

RECEIVED
SUPREME COURT
STATE OF WASHINGTON

NO. 80943-7 2009 JUN -9 A 9:36

BY RONALD R. CARPENTER
SUPREME COURT OF THE STATE OF WASHINGTON

CLERK

Federal Way School District No. 210, a municipal corp.; ED BARNEY;
CYNTHIA BLACK; EVELYN CASTELLAR; GINGER CORNWELL;
CHARLES HOFF; DAVID LARSON; individually and as guardian for
ANDREW LARSON; THOMAS MADDEN, individually and as guardian
for BRYCE MADDEN; SHANNON RASMUSSEN; SANDRA
RENGSTORFF, individually and as guardian for TAYLOR
RENGSTORFF and KALI RENSTORFF,

Respondents,

v.

The State of Washington; CHRISTINE O. GREGOIRE, in her capacity as
Governor of the State of Washington; TERRY BERGESON, in her
capacity as Superintendent of Public Instruction; BRAD OWEN, in his
capacity as President of the Senate and principal legislative authority of
the State of Washington; FRANK CHOPP, in his capacity as Speaker of
the House of Representatives and principal legislative authority of the
State of Washington,

Appellants.

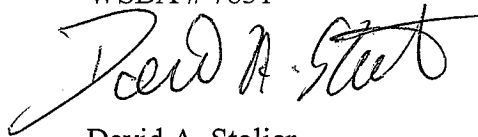
STATEMENT OF SUPPLEMENTAL AUTHORITY

ROBERT M. MCKENNA
Attorney General
MAUREEN HART
Solicitor General
WSBA # 7831
DAVID A. STOLIER
Senior Assistant Attorney General
WSBA # 24071
PO Box 40100
1125 Washington St SE
Olympia, WA 98504-0100

Pursuant to RAP 10.8, the Appellant State of Washington submits the following authority: Laws of 2009, chapter 548, particularly sections 106 and 601(2). This authority is related to the issue of the Legislature's continuing responsibility for establishing the State's policy priorities in defining basic education and in funding the State's common school system.

RESPECTFULLY SUBMITTED this 9th day of June, 2009.

ROBERT M. MCKENNA
Attorney General
MAUREEN HART
Solicitor General
WSBA # 7831

A handwritten signature in black ink, appearing to read "David A. Stoller", written over the printed name and title.

David A. Stoller
WSBA No. 24071
Senior Assistant Attorney General
Attorneys for State of Washington

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 2261

Chapter 548, Laws of 2009

(partial veto)

61st Legislature
2009 Regular Session

EDUCATION, GENERALLY

EFFECTIVE DATE: 07/26/09 - Except sections 101 through 110 and 701 through 710, which become effective 09/01/11; sections 304 through 311, which become effective 09/01/13; and section 112, which becomes effective 05/19/09.

Passed by the House April 20, 2009
Yeas 67 Nays 31

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 16, 2009
Yeas 26 Nays 23

BRAD OWEN

President of the Senate

Approved May 19, 2009, 10:28 a.m., with
the exception of Sections 115 and 709
which are vetoed.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is ENGROSSED SUBSTITUTE HOUSE BILL 2261 as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

May 20, 2009

Secretary of State
State of Washington

ENGROSSED SUBSTITUTE HOUSE BILL 2261

AS AMENDED BY THE SENATE

Passed Legislature - 2009 Regular Session

State of Washington

61st Legislature

2009 Regular Session

By House Education Appropriations (originally sponsored by Representatives Sullivan, Priest, Hunter, Anderson, Maxwell, White, Quall, Lillas, Dammeier, Rodne, Wallace, Pedersen, Kelley, Goodman, Springer, Hope, Nelson, Miloscia, Carlyle, Hunt, Morris, Morrell, Probst, Pettigrew, Eddy, Simpson, Kenney, Moeller, Smith, Condotta, McCoy, Kagi, Chase, Rolfes, Clibborn, Ormsby, Haler, and Cox)

READ FIRST TIME 03/03/09.

1 AN ACT Relating to education; amending RCW 28A.150.200,
2 28A.150.210, 28A.150.220, 28A.150.250, 28A.150.260, 28A.150.315,
3 28A.150.390, 28A.150.380, 28A.230.090, 43.41.400, 28A.195.010,
4 28A.160.150, 28A.160.160, 28A.160.170, 28A.160.180, 28A.160.190,
5 28A.415.360, 28A.305.130, 28A.165.005, 28A.165.015, 28A.165.055,
6 28A.180.010, 28A.180.080, 28A.225.200, 28A.185.010, and 28A.185.020;
7 adding new sections to chapter 28A.150 RCW; adding new sections to
8 chapter 28A.300 RCW; adding a new section to chapter 28A.655 RCW;
9 adding new sections to chapter 43.41 RCW; adding a new section to
10 chapter 28A.500 RCW; adding new sections to chapter 28A.160 RCW; adding
11 a new section to chapter 28A.410 RCW; adding a new section to chapter
12 28A.305 RCW; adding a new section to chapter 28A.185 RCW; adding a new
13 chapter to Title 28A RCW; creating new sections; repealing RCW
14 28A.150.030, 28A.150.060, 28A.150.100, 28A.150.040, 28A.150.370, and
15 28A.155.180; providing effective dates; and declaring an emergency.

16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

17 NEW SECTION. **Sec. 1.** (1) Public education in Washington state has
18 evolved since the enactment of the Washington basic education act of
19 1977. Decisions by the courts have played a part in this evolution, as

1 have studies and research about education practices and education
2 funding. The legislature finds ample evidence of a need for continuing
3 to refine the program of basic education that is funded by the state
4 and delivered by school districts.

5 (2) The legislature reaffirms the work of Washington Learns and
6 other educational task forces that have been convened over the past
7 four years and their recommendations to make bold reforms to the entire
8 educational system in order to educate all students to a higher level;
9 to focus on the individualized instructional needs of students; to
10 strive towards closing the achievement gap and reducing dropout rates;
11 and to prepare students for a constantly evolving workforce and
12 increasingly demanding global economy. In enacting this legislation,
13 the legislature intends to continue to review, evaluate, and revise the
14 definition and funding of basic education in order to continue to
15 fulfill the state obligation under Article IX of the state
16 Constitution. The legislature also intends to continue to strengthen
17 and modify the structure of the entire K-12 educational system,
18 including nonbasic education programmatic elements, in order to build
19 the capacity to anticipate and support potential future enhancements to
20 basic education as the educational needs of our citizens continue to
21 evolve.

22 (3) The legislature recognizes that the first step in revising the
23 definition and funding of basic education is to create a transparent
24 funding system for both allocations and expenditures so that not only
25 policymakers and educators understand how the state supports basic
26 education but also taxpayers. An adequate data system that enables the
27 legislature to make rational, data-driven decisions on which
28 educational programs impact student learning in order to more
29 effectively and efficiently deliver the resources necessary to provide
30 an ample program of basic education is also a necessity. A new
31 prototypical funding system will allow the legislature to better
32 understand how current resources are being used. A more complete and
33 accurate educational data system will allow the legislature to
34 understand whether current basic education programs are supporting
35 student learning. Only with both of these systems in place can the
36 legislature make informed decisions on how to best implement a dynamic
37 and evolving system of basic education.

1 (4) For practical and educational reasons, major changes of the
2 program of basic education and the funding formulas to support it
3 cannot occur instantaneously. The legislature intends to build upon
4 the previous efforts of the legislature and the basic education task
5 force in order to develop a realistic implementation strategy for a new
6 instructional program after technical experts develop the details of
7 the prototypical schools funding formulas and the data and reporting
8 system that will support a new instructional program. The legislature
9 also intends to establish a formal structure for monitoring the
10 implementation by the legislature of an evolving program of basic
11 education and the financing necessary to support such a program. The
12 legislature intends that the redefined program of basic education and
13 funding for the program be fully implemented by 2018.

14 (5) It is the further intent of the legislature to also address
15 additional issues that are of importance to the legislature but are not
16 part of basic education.

17 NEW SECTION. **Sec. 2.** It is the intent of the legislature that
18 specified policies and allocation formulas adopted under this act will
19 constitute the legislature's definition of basic education under
20 Article IX of the state Constitution once fully implemented. The
21 legislature intends, however, to continue to review and revise the
22 formulas and schedules and may make additional revisions, including
23 revisions for technical purposes and consistency in the event of
24 mathematical or other technical errors.

25 **PART I**

26 **PROGRAM AND FUNDING OF BASIC EDUCATION**

27 **Sec. 101.** RCW 28A.150.200 and 1990 c 33 s 104 are each amended to
28 read as follows:

29 ~~((This 1977 amendatory act shall be known and may be cited as "The~~
30 ~~Washington Basic Education Act of 1977." The program evolving from the~~
31 ~~Basic Education Act shall include (1) the goal of the school system as~~
32 ~~defined in RCW 28A.150.210, (2) those program requirements enumerated~~
33 ~~in RCW 28A.150.220, and (3) the determination and distribution of state~~
34 ~~resources as defined in RCW 28A.150.250 and 28A.150.260.~~

1 ~~The requirements of the Basic Education Act are))~~ (1) The program
2 of basic education established under this chapter is deemed by the
3 legislature to comply with the requirements of Article IX, section 1 of
4 the state Constitution, which states that "It is the paramount duty of
5 the state to make ample provision for the education of all children
6 residing within its borders, without distinction or preference on
7 account of race, color, caste, or sex," and ~~((are))~~ is adopted pursuant
8 to Article IX, section 2 of the state Constitution, which states that
9 "The legislature shall provide for a general and uniform system of
10 public schools."

11 (2) The legislature defines the program of basic education under
12 this chapter as that which is necessary to provide the opportunity to
13 develop the knowledge and skills necessary to meet the state-
14 established high school graduation requirements that are intended to
15 allow students to have the opportunity to graduate with a meaningful
16 diploma that prepares them for postsecondary education, gainful
17 employment, and citizenship. Basic education by necessity is an
18 evolving program of instruction intended to reflect the changing
19 educational opportunities that are needed to equip students for their
20 role as productive citizens and includes the following:

21 (a) The instructional program of basic education the minimum
22 components of which are described in RCW 28A.150.220;

23 (b) The program of education provided by chapter 28A.190 RCW for
24 students in residential schools as defined by RCW 28A.190.020 and for
25 juveniles in detention facilities as identified by RCW 28A.190.010;

26 (c) The program of education provided by chapter 28A.193 RCW for
27 individuals under the age of eighteen who are incarcerated in adult
28 correctional facilities; and

29 (d) Transportation and transportation services to and from school
30 for eligible students as provided under RCW 28A.160.150 through
31 28A.160.180.

32 **NEW SECTION. Sec. 102.** The definitions in this section apply
33 throughout this chapter unless the context clearly requires otherwise.

34 (1) "Basic education goal" means the student learning goals and the
35 student knowledge and skills described under RCW 28A.150.210.

36 (2) "Certificated administrative staff" means all those persons who

1 are chief executive officers, chief administrative officers,
2 confidential employees, supervisors, principals, or assistant
3 principals within the meaning of RCW 41.59.020(4).

4 (3) "Certificated employee" as used in this chapter and RCW
5 28A.195.010, 28A.405.100, 28A.405.210, 28A.405.240, 28A.405.250,
6 28A.405.300 through 28A.405.380, and chapter 41.59 RCW, means those
7 persons who hold certificates as authorized by rule of the Washington
8 professional educator standards board.

9 (4) "Certificated instructional staff" means those persons employed
10 by a school district who are nonsupervisory certificated employees
11 within the meaning of RCW 41.59.020(8).

12 (5) "Class size" means an instructional grouping of students where,
13 on average, the ratio of students to teacher is the number specified.

14 (6) "Classified employee" means a person who does not hold a
15 professional education certificate or is employed in a position that
16 does not require such a certificate.

17 (7) "Classroom teacher" means a person who holds a professional
18 education certificate and is employed in a position for which such
19 certificate is required whose primary duty is the daily educational
20 instruction of students. In exceptional cases, people of unusual
21 competence but without certification may teach students so long as a
22 certificated person exercises general supervision, but the hiring of
23 such classified employees shall not occur during a labor dispute, and
24 such classified employees shall not be hired to replace certificated
25 employees during a labor dispute.

26 (8) "Instructional program of basic education" means the minimum
27 program required to be provided by school districts and includes
28 instructional hour requirements and other components under RCW
29 28A.150.220.

30 (9) "Program of basic education" means the overall program under
31 RCW 28A.150.200 and deemed by the legislature to comply with the
32 requirements of Article IX, section 1 of the state Constitution.

33 (10) "School day" means each day of the school year on which pupils
34 enrolled in the common schools of a school district are engaged in
35 academic and career and technical instruction planned by and under the
36 direction of the school.

37 (11) "School year" includes the minimum number of school days
38 required under RCW 28A.150.220 and begins on the first day of September

1 and ends with the last day of August, except that any school district
2 may elect to commence the annual school term in the month of August of
3 any calendar year and in such case the operation of a school district
4 for such period in August shall be credited by the superintendent of
5 public instruction to the succeeding school year for the purpose of the
6 allocation and distribution of state funds for the support of such
7 school district.

8 (12) "Teacher planning period" means a period of a school day as
9 determined by the administration and board of the directors of the
10 district that may be used by teachers for instruction-related
11 activities including but not limited to preparing instructional
12 materials; reviewing student performance; recording student data;
13 consulting with other teachers, instructional assistants, mentors,
14 instructional coaches, administrators, and parents; or participating in
15 professional development.

16 **Sec. 103.** RCW 28A.150.210 and 2007 c 400 s 1 are each amended to
17 read as follows:

18 ~~((The goal of the basic education act for the schools of the state~~
19 ~~of Washington set forth in this chapter shall be))~~ A basic education is
20 an evolving program of instruction that is intended to provide students
21 with the opportunity to become responsible and respectful global
22 citizens, to contribute to their economic well- being and that of their
23 families and communities, to explore and understand different
24 perspectives, and to enjoy productive and satisfying lives.
25 Additionally, the state of Washington intends to provide for a public
26 school system that is able to evolve and adapt in order to better focus
27 on strengthening the educational achievement of all students, which
28 includes high expectations for all students and gives all students the
29 opportunity to achieve personal and academic success. To these ends,
30 the goals of each school district, with the involvement of parents and
31 community members, shall be to provide opportunities for every student
32 to develop the knowledge and skills essential to:

33 (1) Read with comprehension, write effectively, and communicate
34 successfully in a variety of ways and settings and with a variety of
35 audiences;

36 (2) Know and apply the core concepts and principles of mathematics;

1 social, physical, and life sciences; civics and history, including
2 different cultures and participation in representative government;
3 geography; arts; and health and fitness;

4 (3) Think analytically, logically, and creatively, and to integrate
5 different experiences and knowledge to form reasoned judgments and
6 solve problems; and

7 (4) Understand the importance of work and finance and how
8 performance, effort, and decisions directly affect future career and
9 educational opportunities.

10 **Sec. 104.** RCW 28A.150.220 and 1993 c 371 s 2 are each amended to
11 read as follows:

12 (1) ~~((Satisfaction of the basic education program requirements~~
13 ~~identified in RCW 28A.150.210 shall be considered to be implemented by~~
14 ~~the following program:~~

15 ~~(a) Each school district shall make available to students enrolled~~
16 ~~in kindergarten at least a total instructional offering of four hundred~~
17 ~~fifty hours. The program shall include instruction in the essential~~
18 ~~academic learning requirements under RCW 28A.630.885 and such other~~
19 ~~subjects and such activities as the school district shall determine to~~
20 ~~be appropriate for the education of the school district's students~~
21 ~~enrolled in such program;~~

22 ~~(b))~~ In order for students to have the opportunity to develop the
23 basic education knowledge and skills under RCW 28A.150.210, school
24 districts must provide instruction of sufficient quantity and quality
25 and give students the opportunity to complete graduation requirements
26 that are intended to prepare them for postsecondary education, gainful
27 employment, and citizenship. The program established under this
28 section shall be the minimum instructional program of basic education
29 offered by school districts.

30 (2) Each school district shall make available to students the
31 following minimum instructional offering each school year:

32 (a) For students enrolled in grades one through twelve, at least a
33 district-wide annual average ((total instructional hour offering)) of
34 one thousand hours ((. The state board of education may define
35 alternatives to classroom instructional time for students in grades
36 nine through twelve enrolled in alternative learning experiences. The
37 state board of education shall establish rules to determine annual

1 ~~average instructional hours for districts including fewer than twelve~~
2 ~~grades. The program shall include the essential academic learning~~
3 ~~requirements under RCW 28A.630.885 and such other subjects and such~~
4 ~~activities as the school district shall determine to be appropriate for~~
5 ~~the education of the school district's students enrolled in such~~
6 ~~group))~~, which shall be increased to at least one thousand eighty
7 instructional hours for students enrolled in each of grades seven
8 through twelve and at least one thousand instructional hours for
9 students in each of grades one through six according to an
10 implementation schedule adopted by the legislature; and

11 (b) For students enrolled in kindergarten, at least four hundred
12 fifty instructional hours, which shall be increased to at least one
13 thousand instructional hours according to the implementation schedule
14 under RCW 28A.150.315.

15 (3) The instructional program of basic education provided by each
16 school district shall include:

17 (a) Instruction in the essential academic learning requirements
18 under RCW 28A.655.070;

19 (b) Instruction that provides students the opportunity to complete
20 twenty-four credits for high school graduation, subject to a phased-in
21 implementation of the twenty-four credits as established by the
22 legislature. Course distribution requirements may be established by
23 the state board of education under RCW 28A.230.090;

24 (c) If the essential academic learning requirements include a
25 requirement of languages other than English, the requirement may be met
26 by students receiving instruction in one or more American Indian
27 languages;

28 (d) Supplemental instruction and services for underachieving
29 students through the learning assistance program under RCW 28A.165.005
30 through 28A.165.065;

31 (e) Supplemental instruction and services for eligible and enrolled
32 students whose primary language is other than English through the
33 transitional bilingual instruction program under RCW 28A.180.010
34 through 28A.180.080;

35 (f) The opportunity for an appropriate education at public expense
36 as defined by RCW 28A.155.020 for all eligible students with
37 disabilities as defined in RCW 28A.155.020; and

1 (g) Programs for highly capable students under RCW 28A.185.010
2 through 28A.185.030.

3 ~~((+2+))~~ (4) Nothing contained in ~~((subsection (1) of))~~ this section
4 shall be construed to require individual students to attend school for
5 any particular number of hours per day or to take any particular
6 courses.

7 ~~((+3+))~~ (5) Each school district's kindergarten through twelfth
8 grade basic educational program shall be accessible to all students who
9 are five years of age, as provided by RCW 28A.225.160, and less than
10 twenty-one years of age and shall consist of a minimum of one hundred
11 eighty school days per school year in such grades as are conducted by
12 a school district, and one hundred eighty half-days of instruction, or
13 equivalent, in kindergarten(~~:- PROVIDED, That~~), to be increased to a
14 minimum of one hundred eighty school days per school year according to
15 the implementation schedule under RCW 28A.150.315. However, effective
16 May 1, 1979, a school district may schedule the last five school days
17 of the one hundred and eighty day school year for noninstructional
18 purposes in the case of students who are graduating from high school,
19 including, but not limited to, the observance of graduation and early
20 release from school upon the request of a student, and all such
21 students may be claimed as a full-time equivalent student to the extent
22 they could otherwise have been so claimed for the purposes of RCW
23 28A.150.250 and 28A.150.260.

24 ~~((+4+))~~ (6) Nothing in this section precludes a school district
25 from enriching the instructional program of basic education, such as
26 offering additional instruction or providing additional services,
27 programs, or activities that the school district determines to be
28 appropriate for the education of the school district's students.

29 (7) The state board of education shall adopt rules to implement and
30 ensure compliance with the program requirements imposed by this
31 section, RCW 28A.150.250 and 28A.150.260, and such related supplemental
32 program approval requirements as the state board may establish.

33 **Sec. 105.** RCW 28A.150.250 and 1990 c 33 s 107 are each amended to
34 read as follows:

35 (1) From those funds made available by the legislature for the
36 current use of the common schools, the superintendent of public
37 instruction shall distribute annually as provided in RCW 28A.510.250 to

1 each school district of the state operating a basic education
2 instructional program approved by the state board of education an
3 amount based on the formulas provided in RCW 28A.150.260, 28A.150.390,
4 and section 109 of this act which, when combined with an appropriate
5 portion of such locally available revenues, other than receipts from
6 federal forest revenues distributed to school districts pursuant to RCW
7 28A.520.010 and 28A.520.020, as the superintendent of public
8 instruction may deem appropriate for consideration in computing state
9 equalization support, excluding excess property tax levies, will
10 constitute a basic education allocation in dollars for each annual
11 average full-time equivalent student enrolled(~~((, based upon one full~~
12 ~~school year of one hundred eighty days, except that for kindergartens~~
13 ~~one full school year shall be one hundred eighty half days of~~
14 ~~instruction, or the equivalent as provided in RCW 28A.150.220))~~).

15 (2) The instructional program of basic education shall be
16 considered to be fully funded by those amounts of dollars appropriated
17 by the legislature pursuant to RCW (~~(28A.150.250 and)~~) 28A.150.260,
18 28A.150.390, and section 109 of this act to fund those program
19 requirements identified in RCW 28A.150.220 in accordance with the
20 formula (~~(and ratios)~~) provided in RCW 28A.150.260 and those amounts of
21 dollars appropriated by the legislature to fund the salary requirements
22 of RCW (~~(28A.150.100 and)~~) 28A.150.410.

23 (~~(Operation of a program approved by the state board of education,~~
24 ~~for the purposes of this section, shall include a finding that the~~
25 ~~ratio of students per classroom teacher in grades kindergarten through~~
26 ~~three is not greater than the ratio of students per classroom teacher~~
27 ~~in grades four and above for such district: PROVIDED, That for the~~
28 ~~purposes of this section, "classroom teacher" shall be defined as an~~
29 ~~instructional employee possessing at least a provisional certificate,~~
30 ~~but not necessarily employed as a certificated employee, whose primary~~
31 ~~duty is the daily educational instruction of students: PROVIDED~~
32 ~~FURTHER, That the state board of education shall adopt rules and~~
33 ~~regulations to insure compliance with the student/teacher ratio~~
34 ~~provisions of this section, and such rules and regulations shall allow~~
35 ~~for exemptions for those special programs and/or school districts which~~
36 ~~may be deemed unable to practicably meet the student/teacher ratio~~
37 ~~requirements of this section by virtue of a small number of students.))~~

1 (3) If a school district's basic education program fails to meet
2 the basic education requirements enumerated in RCW ((28A.150.250,))
3 28A.150.260((,)) and 28A.150.220, the state board of education shall
4 require the superintendent of public instruction to withhold state
5 funds in whole or in part for the basic education allocation until
6 program compliance is assured((+—PROVIDED, That)). However, the state
7 board of education may waive this requirement in the event of
8 substantial lack of classroom space.

9 **Sec. 106.** RCW 28A.150.260 and 2006 c 263 s 322 are each amended to
10 read as follows:

11 (~~The basic education allocation for each annual average full time~~
12 ~~equivalent student shall be determined in accordance with the following~~
13 ~~procedures~~)) The purpose of this section is to provide for the
14 allocation of state funding that the legislature deems necessary to
15 support school districts in offering the minimum instructional program
16 of basic education under RCW 28A.150.220. The allocation shall be
17 determined as follows:

18 (1) The governor shall and the superintendent of public instruction
19 may recommend to the legislature a formula ((~~based on a ratio of~~
20 ~~students to staff~~)) for the distribution of a basic education
21 instructional allocation for each ((~~annual average full time equivalent~~
22 ~~student enrolled in a~~)) common school district. ((~~The distribution~~
23 ~~formula shall have the primary objective of equalizing educational~~
24 ~~opportunities and shall provide appropriate recognition of the~~
25 ~~following costs among the various districts within the state:~~

26 ~~(a) Certificated instructional staff and their related costs;~~

27 ~~(b) Certificated administrative staff and their related costs;~~

28 ~~(c) Classified staff and their related costs;~~

29 ~~(d) Nonsalary costs;~~

30 ~~(e) Extraordinary costs, including school facilities, of remote and~~
31 ~~necessary — schools — as — judged — by — the — superintendent — of — public~~
32 ~~instruction, with recommendations from the school facilities citizen~~
33 ~~advisory panel under RCW 28A.525.025, and small high schools, including~~
34 ~~costs of additional certificated and classified staff; and~~

35 ~~(f) The attendance of students pursuant to RCW 28A.335.160 and~~
36 ~~28A.225.250 who do not reside within the servicing school district.))~~

1 (2)((-a-)) The distribution formula under this section shall be for
2 allocation purposes only. Except as may be required under chapter
3 28A.165, 28A.180, or 28A.155 RCW, or federal laws and regulations,
4 nothing in this section requires school districts to use basic
5 education instructional funds to implement a particular instructional
6 approach or service. Nothing in this section requires school districts
7 to maintain a particular classroom teacher-to-student ratio or other
8 staff-to-student ratio or to use allocated funds to pay for particular
9 types or classifications of staff. Nothing in this section entitles an
10 individual teacher to a particular teacher planning period.

11 (3)(a) To the extent the technical details of the formula have been
12 adopted by the legislature, the distribution formula for the basic
13 education instructional allocation shall be based on minimum staffing
14 and nonstaff costs the legislature deems necessary to support
15 instruction and operations in prototypical schools serving high,
16 middle, and elementary school students as provided in this section.
17 The use of prototypical schools for the distribution formula does not
18 constitute legislative intent that schools should be operated or
19 structured in a similar fashion as the prototypes. Prototypical
20 schools illustrate the level of resources needed to operate a school of
21 a particular size with particular types and grade levels of students
22 using commonly understood terms and inputs, such as class size, hours
23 of instruction, and various categories of school staff. It is the
24 intent that the funding allocations to school districts be adjusted
25 from the school prototypes based on the actual number of annual average
26 full-time equivalent students in each grade level at each school in the
27 district and not based on the grade-level configuration of the school
28 to the extent that data is available. The allocations shall be further
29 adjusted from the school prototypes with minimum allocations for small
30 schools and to reflect other factors identified in the omnibus
31 appropriations act.

32 (b) For the purposes of this section, prototypical schools are
33 defined as follows:

34 (i) A prototypical high school has six hundred average annual full-
35 time equivalent students in grades nine through twelve;

36 (ii) A prototypical middle school has four hundred thirty-two
37 average annual full-time equivalent students in grades seven and eight;
38 and

1 (iii) A prototypical elementary school has four hundred average
2 annual full-time equivalent students in grades kindergarten through
3 six.

4 (c) The minimum allocation for each level of prototypical school
5 shall be based on the number of full-time equivalent classroom teachers
6 needed to provide instruction over the minimum required annual
7 instructional hours under RCW 28A.150.220 and provide at least one
8 teacher planning period per school day, and based on an average class
9 size as specified in the omnibus appropriations act. The omnibus
10 appropriations act shall at a minimum specify:

11 (i) Basic average class size;

12 (ii) Basic average class size in schools where more than fifty
13 percent of the students are eligible for free and reduced-price meals;

14 (iii) Average class size for exploratory and preparatory career and
15 technical education, laboratory science, advanced placement, and
16 international baccalaureate courses; and

17 (iv) Average class size in grades kindergarten through three.

18 (d) The minimum allocation for each level of prototypical school
19 shall include allocations for the following types of staff in addition
20 to classroom teachers:

21 (i) Principals, including assistant principals, and other
22 certificated building-level administrators;

23 (ii) Teacher librarians, performing functions including information
24 literacy, technology, and media to support school library media
25 programs;

26 (iii) Student health services, a function that includes school
27 nurses, whether certificated instructional or classified employee, and
28 social workers;

29 (iv) Guidance counselors, performing functions including parent
30 outreach and graduation advisor;

31 (v) Professional development coaches;

32 (vi) Teaching assistance, which includes any aspect of educational
33 instructional services provided by classified employees;

34 (vii) Office support, technology support, and other
35 noninstructional aides;

36 (viii) Custodians, warehouse, maintenance, laborer, and
37 professional and technical education support employees; and

38 (ix) Classified staff providing student and staff safety.

1 (4) (a) The minimum allocation for each school district shall
2 include allocations per annual average full-time equivalent student for
3 the following materials, supplies, and operating costs: Student
4 technology; utilities; curriculum, textbooks, library materials, and
5 instructional supplies; instructional professional development for both
6 certificated and classified staff; other building-level costs including
7 maintenance, custodial, and security; and central office
8 administration.

9 (b) The annual average full-time equivalent student amounts in (a)
10 of this subsection shall be enhanced based on full-time equivalent
11 student enrollment in exploratory career and technical education
12 courses for students in grades seven through twelve; laboratory science
13 courses for students in grades nine through twelve; preparatory career
14 and technical education courses for students in grades nine through
15 twelve offered in a high school; and preparatory career and technical
16 education courses for students in grades eleven and twelve offered
17 through a skill center.

18 (5) The allocations provided under subsections (3) and (4) of this
19 section shall be enhanced as follows to provide additional allocations
20 for classroom teachers and maintenance, supplies, and operating costs:

21 (a) To provide supplemental instruction and services for
22 underachieving students through the learning assistance program under
23 RCW 28A.165.005 through 28A.165.065, allocations shall be based on the
24 percent of students in each school who are eligible for free and
25 reduced-price meals. The minimum allocation for the learning
26 assistance program shall provide an extended school day and extended
27 school year for each level of prototypical school and a per student
28 allocation for maintenance, supplies, and operating costs.

29 (b) To provide supplemental instruction and services for students
30 whose primary language is other than English, allocations shall be
31 based on the number of students in each school who are eligible for and
32 enrolled in the transitional bilingual instruction program under RCW
33 28A.180.010 through 28A.180.080. The minimum allocation for each level
34 of prototypical school shall provide for supplemental instruction based
35 on percent of the school day a student is assumed to receive
36 supplemental instruction and a per student allocation for maintenance,
37 supplies, and operating costs.

1 (6) The allocations provided under subsections (3) and (4) of this
2 section shall be enhanced to provide additional allocations to support
3 programs for highly capable students under RCW 28A.185.010 through
4 28A.185.030, based on two and three hundred fourteen one-thousandths
5 percent of each school district's full-time equivalent enrollment. The
6 minimum allocation for the programs shall provide an extended school
7 day and extended school year for each level of prototypical school and
8 a per student allocation for maintenance, supplies, and operating
9 costs.

10 (7) The allocations under subsections (3)(b), (c)(i), and (d), (4),
11 and (8) of this section shall be enhanced as provided under RCW
12 28A.150.390 on an excess cost basis to provide supplemental
13 instructional resources for students with disabilities.

14 (8) The distribution formula shall include allocations to school
15 districts to support certificated and classified staffing of central
16 office administration. The minimum allocation shall be calculated as
17 a percentage, identified in the omnibus appropriations act, of the
18 total allocations for staff under subsections (3) and (6) of this
19 section for all schools in the district.

20 (9)(a) For the purposes of allocations for prototypical high
21 schools and middle schools under subsections (3) and (5) of this
22 section that are based on the percent of students in the school who are
23 eligible for free and reduced-price meals, the actual percent of such
24 students in a school shall be adjusted by a factor identified in the
25 omnibus appropriations act to reflect underreporting of free and
26 reduced-price meal eligibility among middle and high school students.

27 (b) Allocations or enhancements provided under subsections (3) and
28 (4) of this section for exploratory and preparatory career and
29 technical education courses shall be provided only for courses approved
30 by the office of the superintendent of public instruction under chapter
31 28A.700 RCW.

32 (10)(a) This formula for distribution of basic education funds
33 shall be reviewed biennially by the superintendent and governor. The
34 recommended formula shall be subject to approval, amendment or
35 rejection by the legislature. ((The formula shall be for allocation
36 purposes only. While the legislature intends that the allocations for
37 additional instructional staff be used to increase the ratio of such

1 ~~staff to students, nothing in this section shall require districts to~~
2 ~~reduce the number of administrative staff below existing levels.~~

3 ~~(b) The formula adopted by the legislature shall reflect the~~
4 ~~following ratios at a minimum: (i) Forty nine certificated~~
5 ~~instructional staff to one thousand annual average full time equivalent~~
6 ~~students enrolled in grades kindergarten through three; (ii) forty six~~
7 ~~certificated instructional staff to one thousand annual average full~~
8 ~~time equivalent students in grades four through twelve; (iii) four~~
9 ~~certificated administrative staff to one thousand annual average full~~
10 ~~time equivalent students in grades kindergarten through twelve; and~~
11 ~~(iv) sixteen and sixty seven one hundredths classified personnel to one~~
12 ~~thousand annual average full time equivalent students enrolled in~~
13 ~~grades kindergarten through twelve.~~

14 ~~(e))~~ (b) In the event the legislature rejects the distribution
15 formula recommended by the governor, without adopting a new
16 distribution formula, the distribution formula for the previous school
17 year shall remain in effect (~~PROVIDED, That the distribution formula~~
18 ~~developed pursuant to this section shall be for state apportionment and~~
19 ~~equalization purposes only and shall not be construed as mandating~~
20 ~~specific operational functions of local school districts other than~~
21 ~~those program requirements identified in RCW 28A.150.220 and~~
22 ~~28A.150.100)).~~

23 (c) The enrollment of any district shall be the annual average
24 number of full-time equivalent students and part-time students as
25 provided in RCW 28A.150.350, enrolled on the first school day of each
26 month ~~((and shall exclude full-time equivalent students with~~
27 ~~disabilities recognized for the purposes of allocation of state funds~~
28 ~~for programs under RCW 28A.155.010 through 28A.155.100)), including~~
29 students who are in attendance pursuant to RCW 28A.335.160 and
30 28A.225.250 who do not reside within the servicing school district.
31 The definition of full-time equivalent student shall be determined by
32 rules of the superintendent of public instruction (~~PROVIDED, That~~
33 ~~the definition)) and shall be included as part of the superintendent's~~
34 biennial budget request (~~PROVIDED, FURTHER, That))~~. The definition
35 shall be based on the minimum instructional hour offerings required
36 under RCW 28A.150.220. Any revision of the present definition shall
37 not take effect until approved by the house ~~((appropriations))~~ ways and

1 ~~means~~ committee and the senate ways and means committee(~~(+PROVIDED,~~
2 ~~FURTHER, That)~~).

3 (d) The office of financial management shall make a monthly review
4 of the superintendent's reported full-time equivalent students in the
5 common schools in conjunction with RCW 43.62.050.

6 (~~((3)(a)Certificatedinstructionalstaffshallincludethose~~
7 ~~persons employed by a school district who are nonsupervisory employees~~
8 ~~within the meaning of RCW 41.59.020(8): PROVIDED, That in exceptional~~
9 ~~cases, people of unusual competence but without certification may teach~~
10 ~~students so long as a certificated person exercises general~~
11 ~~supervision: PROVIDED, FURTHER, That the hiring of such classified~~
12 ~~people shall not occur during a labor dispute and such classified~~
13 ~~people shall not be hired to replace certificated employees during a~~
14 ~~labor dispute.~~

15 (~~(b)Certificatedadministrativestaffshallincludeallthose~~
16 ~~persons who are chief executive officers, chief administrative~~
17 ~~officers, confidential employees, supervisors, principals, or assistant~~
18 ~~principals within the meaning of RCW 41.59.020(4).)~~

19 **Sec. 107.** RCW 28A.150.315 and 2007 c 400 s 2 are each amended to
20 read as follows:

21 (1) Beginning with the 2007-08 school year, funding for voluntary
22 all-day kindergarten programs shall be phased-in beginning with schools
23 with the highest poverty levels, defined as those schools with the
24 highest percentages of students qualifying for free and reduced-price
25 lunch support in the prior school year. Once a school receives funding
26 for the all-day kindergarten program, that school shall remain eligible
27 for funding in subsequent school years regardless of changes in the
28 school's percentage of students eligible for free and reduced-price
29 lunches as long as other program requirements are fulfilled.
30 Additionally, schools receiving all-day kindergarten program support
31 shall agree to the following conditions:

32 (a) Provide at least a one thousand-hour instructional program;

33 (b) Provide a curriculum that offers a rich, varied set of
34 experiences that assist students in:

35 (i) Developing initial skills in the academic areas of reading,
36 mathematics, and writing;

37 (ii) Developing a variety of communication skills;

1 (iii) Providing experiences in science, social studies, arts,
2 health and physical education, and a world language other than English;
3 (iv) Acquiring large and small motor skills;
4 (v) Acquiring social and emotional skills including successful
5 participation in learning activities as an individual and as part of a
6 group; and
7 (vi) Learning through hands-on experiences;
8 (c) Establish learning environments that are developmentally
9 appropriate and promote creativity;
10 (d) Demonstrate strong connections and communication with early
11 learning community providers; and
12 (e) Participate in kindergarten program readiness activities with
13 early learning providers and parents.

14 (2) Subject to funds appropriated for this purpose, the
15 superintendent of public instruction shall designate one or more school
16 districts to serve as resources and examples of best practices in
17 designing and operating a high-quality all-day kindergarten program.
18 Designated school districts shall serve as lighthouse programs and
19 provide technical assistance to other school districts in the initial
20 stages of implementing an all-day kindergarten program. Examples of
21 topics addressed by the technical assistance include strategic
22 planning, developing the instructional program and curriculum, working
23 with early learning providers to identify students and communicate with
24 parents, and developing kindergarten program readiness activities.

25 ~~((3) Any funds allocated to support all-day kindergarten programs~~
26 ~~under this section shall not be considered as basic education~~
27 ~~funding.))~~

28 **Sec. 108.** RCW 28A.150.390 and 1995 c 77 s 6 are each amended to
29 read as follows:

30 (1) The superintendent of public instruction shall submit to each
31 regular session of the legislature during an odd-numbered year a
32 programmed budget request for special education programs for students
33 with disabilities. Funding for programs operated by local school
34 districts shall be on an excess cost basis from appropriations provided
35 by the legislature for special education programs for students with
36 disabilities and shall take account of state funds accruing through RCW
37 ~~((28A.150.250,))~~ 28A.150.260~~((7))~~ (3) (b), (c) (i), and (d), (4), and

1 (8) and federal medical assistance and private funds accruing under RCW
2 74.09.5249 through 74.09.5253 and 74.09.5254 through 74.09.5256 (~~and~~)
3 other state and local funds, excluding special excess levies).

4 (2) The excess cost allocation to school districts shall be based
5 on the following:

6 (a) A district's annual average headcount enrollment of students
7 ages birth through four and those five year olds not yet enrolled in
8 kindergarten who are eligible for and enrolled in special education,
9 multiplied by the district's base allocation per full-time equivalent
10 student, multiplied by 1.15; and

11 (b) A district's annual average full-time equivalent basic
12 education enrollment, multiplied by the district's funded enrollment
13 percent, multiplied by the district's base allocation per full-time
14 equivalent student, multiplied by 0.9309.

15 (3) As used in this section:

16 (a) "Base allocation" means the total state allocation to all
17 schools in the district generated by the distribution formula under RCW
18 28A.150.260 (3) (b), (c) (i), and (d), (4), and (8), to be divided by
19 the district's full-time equivalent enrollment.

20 (b) "Basic education enrollment" means enrollment of resident
21 students including nonresident students enrolled under RCW 28A.225.225
22 and students from nonhigh districts enrolled under RCW 28A.225.210 and
23 excluding students residing in another district enrolled as part of an
24 interdistrict cooperative program under RCW 28A.225.250.

25 (c) "Enrollment percent" means the district's resident special
26 education annual average enrollment, excluding students ages birth
27 through four and those five year olds not yet enrolled in kindergarten,
28 as a percent of the district's annual average full-time equivalent
29 basic education enrollment.

30 (d) "Funded enrollment percent" means the lesser of the district's
31 actual enrollment percent or twelve and seven-tenths percent.

32 NEW SECTION. Sec. 109. (1) To the extent necessary, funds shall
33 be made available for safety net awards for districts with demonstrated
34 needs for special education funding beyond the amounts provided through
35 the special education funding formula under RCW 28A.150.390. If the
36 federal safety net awards based on the federal eligibility threshold
37 exceed the federal appropriation in any fiscal year, then the

1 superintendent shall expend all available federal discretionary funds
2 necessary to meet this need. Safety net funds shall be awarded by the
3 state safety net oversight committee subject to the following
4 conditions and limitations:

5 (a) The committee shall consider additional funds for districts
6 that can convincingly demonstrate that all legitimate expenditures for
7 special education exceed all available revenues from state funding
8 formulas. In the determination of need, the committee shall also
9 consider additional available revenues from federal sources.
10 Differences in program costs attributable to district philosophy,
11 service delivery choice, or accounting practices are not a legitimate
12 basis for safety net awards. In the determination of need, the
13 committee shall require that districts demonstrate that they are
14 maximizing their eligibility for all state revenues related to services
15 for special education-eligible students and all federal revenues from
16 federal impact aid, medicaid, and the individuals with disabilities
17 education act-Part B and appropriate special projects. Awards
18 associated with (b) and (c) of this subsection shall not exceed the
19 total of a district's specific determination of need.

20 (b) The committee shall then consider the extraordinary high cost
21 needs of one or more individual special education students.
22 Differences in costs attributable to district philosophy, service
23 delivery choice, or accounting practices are not a legitimate basis for
24 safety net awards.

25 (c) Using criteria developed by the committee, the committee shall
26 then consider extraordinary costs associated with communities that draw
27 a larger number of families with children in need of special education
28 services, which may include consideration of proximity to group homes,
29 military bases, and regional hospitals. Safety net awards under this
30 subsection (1)(c) shall be adjusted to reflect amounts awarded under
31 (b) of this subsection.

32 (d) The maximum allowable indirect cost for calculating safety net
33 eligibility may not exceed the federal restricted indirect cost rate
34 for the district plus one percent.

35 (e) Safety net awards shall be adjusted based on the percent of
36 potential medicaid eligible students billed as calculated by the
37 superintendent of public instruction in accordance with chapter 318,
38 Laws of 1999.

1 (f) Safety net awards must be adjusted for any audit findings or
2 exceptions related to special education funding.

3 (2) The superintendent of public instruction may adopt such rules
4 and procedures as are necessary to administer the special education
5 funding and safety net award process. Before revising any standards,
6 procedures, or rules, the superintendent shall consult with the office
7 of financial management and the fiscal committees of the legislature.
8 In adopting and revising the rules, the superintendent shall ensure the
9 application process to access safety net funding is streamlined,
10 timelines for submission are not in conflict, feedback to school
11 districts is timely and provides sufficient information to allow school
12 districts to understand how to correct any deficiencies in a safety net
13 application, and that there is consistency between awards approved by
14 school district and by application period. The office of the
15 superintendent of public instruction shall also provide technical
16 assistance to school districts in preparing and submitting special
17 education safety net applications.

18 (3) On an annual basis, the superintendent shall survey districts
19 regarding their satisfaction with the safety net process and consider
20 feedback from districts to improve the safety net process. Each year
21 by December 1st, the superintendent shall prepare and submit a report
22 to the office of financial management and the appropriate policy and
23 fiscal committees of the legislature that summarizes the survey results
24 and those changes made to the safety net process as a result of the
25 school district feedback.

26 (4) The safety net oversight committee appointed by the
27 superintendent of public instruction shall consist of:

28 (a) One staff member from the office of the superintendent of
29 public instruction;

30 (b) Staff of the office of the state auditor who shall be nonvoting
31 members of the committee; and

32 (c) One or more representatives from school districts or
33 educational service districts knowledgeable of special education
34 programs and funding.

35 **Sec. 110.** RCW 28A.150.380 and 2001 c 3 s 10 are each amended to
36 read as follows:

37 (1) The state legislature shall, at each regular session in an odd-

1 numbered year, appropriate ((~~from the state general fund~~)) for the
2 current use of the common schools such amounts as needed for state
3 support to ((~~the common schools~~)) school districts during the ensuing
4 biennium ((~~as provided in this chapter, RCW 28A.160.150 through~~
5 ~~28A.160.210, 28A.300.170, and 28A.500.010~~)) for the program of basic
6 education under RCW 28A.150.200.

7 (2) In addition to those state funds provided to school districts
8 for basic education, the legislature may appropriate funds to be
9 distributed to school districts for other factors and for other special
10 programs to enhance or enrich the program of basic education.

11 (3) The state legislature shall also, at each regular session in an
12 odd-numbered year, appropriate from the student achievement fund and
13 education construction fund solely for the purposes of and in
14 accordance with the provisions of the student achievement act during
15 the ensuing biennium.

16 **Sec. 111.** RCW 28A.230.090 and 2006 c 114 s 3 are each amended to
17 read as follows:

18 (1) The state board of education shall establish high school
19 graduation requirements or equivalencies for students, except those
20 equivalencies established by local high schools or school districts
21 under RCW 28A.230.097.

22 (a) Any course in Washington state history and government used to
23 fulfill high school graduation requirements shall consider including
24 information on the culture, history, and government of the American
25 Indian peoples who were the first inhabitants of the state.

26 (b) The certificate of academic achievement requirements under RCW
27 28A.655.061 or the certificate of individual achievement requirements
28 under RCW 28A.155.045 are required for graduation from a public high
29 school but are not the only requirements for graduation.

30 (c) Any decision on whether a student has met the state board's
31 high school graduation requirements for a high school and beyond plan
32 shall remain at the local level.

33 (2)(a) In recognition of the statutory authority of the state board
34 of education to establish and enforce minimum high school graduation
35 requirements, the state board shall periodically reevaluate the
36 graduation requirements and shall report such findings to the
37 legislature in a timely manner as determined by the state board.

1 **(b)** The state board shall reevaluate the graduation requirements
2 for students enrolled in vocationally intensive and rigorous career and
3 technical education programs, particularly those programs that lead to
4 a certificate or credential that is state or nationally recognized.
5 The purpose of the evaluation is to ensure that students enrolled in
6 these programs have sufficient opportunity to earn a certificate of
7 academic achievement, complete the program and earn the program's
8 certificate or credential, and complete other state and local
9 graduation requirements. (~~(The board shall reports [report] its~~
10 ~~findings and recommendations for additional flexibility in graduation~~
11 ~~requirements, if necessary, to the legislature by December 1, 2007.)~~)

12 **(c)** The state board shall forward any proposed changes to the high
13 school graduation requirements to the education committees of the
14 legislature for review and to the quality education council established
15 under section 114 of this act. The legislature shall have the
16 opportunity to act during a regular legislative session before the
17 changes are adopted through administrative rule by the state board.
18 Changes that have a fiscal impact on school districts, as identified by
19 a fiscal analysis prepared by the office of the superintendent of
20 public instruction, shall take effect only if formally authorized and
21 funded by the legislature through the omnibus appropriations act or
22 other enacted legislation.

23 (3) Pursuant to any requirement for instruction in languages other
24 than English established by the state board of education or a local
25 school district, or both, for purposes of high school graduation,
26 students who receive instruction in American sign language or one or
27 more American Indian languages shall be considered to have satisfied
28 the state or local school district graduation requirement for
29 instruction in one or more languages other than English.

30 (4) If requested by the student and his or her family, a student
31 who has completed high school courses before attending high school
32 shall be given high school credit which shall be applied to fulfilling
33 high school graduation requirements if:

34 (a) The course was taken with high school students, if the academic
35 level of the course exceeds the requirements for seventh and eighth
36 grade classes, and the student has successfully passed by completing
37 the same course requirements and examinations as the high school
38 students enrolled in the class; or

1 (b) The academic level of the course exceeds the requirements for
2 seventh and eighth grade classes and the course would qualify for high
3 school credit, because the course is similar or equivalent to a course
4 offered at a high school in the district as determined by the school
5 district board of directors.

6 (5) Students who have taken and successfully completed high school
7 courses under the circumstances in subsection (4) of this section shall
8 not be required to take an additional competency examination or perform
9 any other additional assignment to receive credit.

10 (6) At the college or university level, five quarter or three
11 semester hours equals one high school credit.

12 NEW SECTION. Sec. 112. (1) The legislature intends to continue to
13 redefine the instructional program of education under RCW 28A.150.220
14 that fulfills the obligations and requirements of Article IX of the
15 state Constitution. The funding formulas under RCW 28A.150.260 to
16 support the instructional program shall be implemented to the extent
17 the technical details of the formula have been established and
18 according to an implementation schedule to be adopted by the
19 legislature. The object of the schedule is to assure that any
20 increases in funding allocations are timely, predictable, and occur
21 concurrently with any increases in program or instructional
22 requirements. It is the intent of the legislature that no increased
23 programmatic or instructional expectations be imposed upon schools or
24 school districts without an accompanying increase in resources as
25 necessary to support those increased expectations.

26 (2) The office of financial management, with assistance and support
27 from the office of the superintendent of public instruction, shall
28 convene a technical working group to:

29 (a) Develop the details of the funding formulas under RCW
30 28A.150.260;

31 (b) Recommend to the legislature an implementation schedule for
32 phasing-in any increased program or instructional requirements
33 concurrently with increases in funding for adoption by the legislature;
34 and

35 (c) Examine possible sources of revenue to support increases in
36 funding allocations and present options to the legislature and the

1 quality education council created in section 114 of this act for
2 consideration.

3 (3) The working group shall include representatives of the
4 legislative evaluation and accountability program committee, school
5 district and educational service district financial managers, the
6 Washington association of school business officers, the Washington
7 education association, the Washington association of school
8 administrators, the association of Washington school principals, the
9 Washington state school directors' association, the public school
10 employees of Washington, and other interested stakeholders with
11 expertise in education finance'. The working group may convene advisory
12 subgroups on specific topics as necessary to assure participation and
13 input from a broad array of diverse stakeholders.

14 (4) The working group shall be monitored and overseen by the
15 legislature and the quality education council established in section
16 114 of this act. The working group shall submit its recommendations to
17 the legislature by December 1, 2009.

18 NEW SECTION. **Sec. 113.** A new section is added to chapter 28A.300
19 RCW to read as follows:

20 (1) As part of the estimates and information submitted to the
21 governor by the superintendent of public instruction under RCW
22 28A.300.170, the superintendent of public instruction shall biennially
23 make determinations on the educational system's capacity to accommodate
24 increased resources in relation to the elements in the prototypical
25 funding allocation model. In areas where there are specific and
26 significant capacity limitations to providing enhancements to a
27 recommended element, the superintendent of public instruction shall
28 identify those limitations and make recommendations on how to address
29 the issue.

30 (2) The legislature shall:

31 (a) Review the recommendations of the superintendent of public
32 instruction submitted under subsection (1) of this section; and

33 (b) Use the information as it continues to review, evaluate, and
34 revise the definition and funding of basic education in a manner that
35 serves the educational needs of the citizen's of Washington; continues
36 to fulfill the state's obligation under Article IX of the state

1 Constitution and ensures that no enhancements are imposed on the
2 educational system that cannot be accommodated by the existing system
3 capacity.

4 (3) "System capacity" for purposes of this section includes, but is
5 not limited to, the ability of schools and districts to provide the
6 capital facilities necessary to support a particular instructional
7 program, the staffing levels necessary to support an instructional
8 program both in terms of actual numbers of staff as well as the
9 experience level and types of staff available to fill positions, the
10 higher education systems capacity to prepare the next generation of
11 educators, and the availability of data and a data system capable of
12 helping the state allocate its resources in a manner consistent with
13 evidence-based practices that are shown to improve student learning.

14 (4) The office of the superintendent of public instruction shall
15 report to the legislature on a biennial basis beginning December 1,
16 2010.

17 NEW SECTION. **Sec. 114.** (1) The quality education council is
18 created to recommend and inform the ongoing implementation by the
19 legislature of an evolving program of basic education and the financing
20 necessary to support such program. The council shall develop strategic
21 recommendations on the program of basic education for the common
22 schools. The council shall take into consideration the capacity report
23 produced under section 113 of this act and the availability of data and
24 progress of implementing the data systems required under section 202 of
25 this act. Any recommendations for modifications to the program of
26 basic education shall be based on evidence that the programs
27 effectively support student learning. The council shall update the
28 statewide strategic recommendations every four years. The
29 recommendations of the council are intended to:

30 (a) Inform future educational policy and funding decisions of the
31 legislature and governor;

32 (b) Identify measurable goals and priorities for the educational
33 system in Washington state for a ten-year time period, including the
34 goals of basic education and ongoing strategies for coordinating
35 statewide efforts to eliminate the achievement gap and reduce student
36 dropout rates; and

1 (c) Enable the state of Washington to continue to implement an
2 evolving program of basic education.

3 (2) The council may request updates and progress reports from the
4 office of the superintendent of public instruction, the state board of
5 education, the professional educator standards board, and the
6 department of early learning on the work of the agencies as well as
7 educational working groups established by the legislature.

8 (3) The chair of the council shall be selected from the
9 councilmembers. The council shall be composed of the following
10 members:

11 (a) Four members of the house of representatives, with two members
12 representing each of the major caucuses and appointed by the speaker of
13 the house of representatives;

14 (b) Four members of the senate, with two members representing each
15 of the major caucuses and appointed by the president of the senate; and

16 (c) One representative each from the office of the governor, office
17 of the superintendent of public instruction, state board of education,
18 professional educator standards board, and department of early
19 learning.

20 (4) In the 2009 fiscal year, the council shall meet as often as
21 necessary as determined by the chair. In subsequent years, the council
22 shall meet no more than four times a year.

23 (5)(a) The council shall submit an initial report to the governor
24 and the legislature by January 1, 2010, detailing its recommendations,
25 including recommendations for resolving issues or decisions requiring
26 legislative action during the 2010 legislative session, and
27 recommendations for any funding necessary to continue development and
28 implementation of chapter, Laws of 2009 (this act).

29 (b) The initial report shall, at a minimum, include:

30 (i) Consideration of how to establish a statewide beginning teacher
31 mentoring and support system;

32 (ii) Recommendations for a program of early learning for at-risk
33 children;

34 (iii) A recommended schedule for the concurrent phase-in of the
35 changes to the instructional program of basic education and the
36 implementation of the funding formulas and allocations to support the
37 new instructional program of basic education as established under

chapter, Laws of 2009 (this act). The phase-in schedule shall have full implementation completed by September 1, 2018; and

(iv) A recommended schedule for phased-in implementation of the new distribution formula for allocating state funds to school districts for the transportation of students to and from school, with phase-in beginning no later than September 1, 2013.

(6) The council shall be staffed by the office of the superintendent of public instruction and the office of financial management. Additional staff support shall be provided by the state entities with representatives on the committee. Senate committee services and the house of representatives office of program research may provide additional staff support.

(7) Legislative members of the council shall serve without additional compensation but may be reimbursed for travel expenses in accordance with RCW 44.04.120 while attending sessions of the council or on official business authorized by the council. Nonlegislative members of the council may be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

***NEW SECTION.** Sec. 115. (1) *The legislature finds that a critical factor in the eventual successful outcome of a K-12 education is for students to begin school ready, both intellectually and socially, to learn. The legislature also finds that, due to a variety of factors, disadvantaged young children need supplemental instruction in preschool to assure that they have the opportunity to meaningfully participate and reach the necessary levels of achievement in the regular program of basic education. Therefore the legislature intends to establish a program of early learning for at-risk children and intends to include this program within the overall program of basic education.*

(2) *The office of the superintendent of public instruction, with the support and assistance from the department of early learning, shall convene a working group to develop the basic education program of early learning. The early learning working group shall be composed of representatives from head start and early childhood education and assistance program providers, school districts, thrive by five Washington, and other stakeholders with expertise in early learning. The working group may convene advisory subgroups on specific topics as*

1 necessary to assure participation and input from a broad array of
2 diverse stakeholders.

3 (3) The early learning working group shall continue the preliminary
4 work of the department of early learning under RCW 43.215.125 to
5 develop a proposal for a statewide Washington head start program. The
6 working group shall:

7 (a) Recommend student eligibility criteria that focus on children
8 age three and four considered most at-risk;

9 (b) Develop options for a service delivery system that includes
10 school districts, educational service districts, community and
11 technical colleges, and public and private nonsectarian organizations;

12 (c) Develop options for shared governance that include the
13 superintendent of public instruction and the department of early
14 learning each with appropriate supervisory and administrative
15 responsibilities;

16 (d) Develop recommended parameters and minimum standards for the
17 program; and

18 (e) Continue development of a statewide kindergarten assessment
19 process.

20 (4) The early learning working group shall be monitored and
21 overseen by the quality education council established in section 114 of
22 this act and shall submit progress reports to the council by September
23 1, 2010, and September 1, 2011, with a final report by September 1,
24 2012.

*Sec. 115 was vetoed. See message at end of chapter.

25 PART II

26 EDUCATION DATA IMPROVEMENT SYSTEM

27 Sec. 201. RCW 43.41.400 and 2007 c 401 s 3 are each amended to
28 read as follows:

29 (1) An education data center shall be established in the office of
30 financial management. The education data center shall jointly, with
31 the legislative ((education — [evaluation])) evaluation and
32 accountability program committee, conduct collaborative analyses of
33 early learning, K-12, and higher education programs and education
34 issues across the P-20 system, which includes the department of early
35 learning, the superintendent of public instruction, the professional
36 educator standards board, the state board of education, the state board

1 for community and technical colleges, the workforce training and
2 education coordinating board, the higher education coordinating board,
3 public and private nonprofit four-year institutions of higher
4 education, and the employment security department. The education data
5 center shall conduct collaborative analyses under this section with the
6 legislative evaluation and accountability program committee and provide
7 data electronically to the legislative evaluation and accountability
8 program committee, to the extent permitted by state and federal
9 confidentiality requirements. The education data center shall be
10 considered an authorized representative of the state educational
11 agencies in this section under applicable federal and state statutes
12 for purposes of accessing and compiling student record data for
13 research purposes.

14 (2) The education data center shall:

15 (a) In consultation with the legislative evaluation and
16 accountability program committee and the agencies and organizations
17 participating in the education data center, identify the critical
18 research and policy questions that are intended to be addressed by the
19 education data center and the data needed to address the questions;

20 (b) Coordinate with other state education agencies to compile and
21 analyze education data, including data on student demographics that is
22 disaggregated by distinct ethnic categories within racial subgroups,
23 and complete P-20 research projects;

24 ~~((b))~~ (c) Collaborate with the legislative evaluation and
25 accountability program committee and the education and fiscal
26 committees of the legislature in identifying the data to be compiled
27 and analyzed to ensure that legislative interests are served;

28 ~~((e))~~ (d) Annually provide to the K-12 data governance group a
29 list of data elements and data quality improvements that are necessary
30 to answer the research and policy questions identified by the education
31 data center and have been identified by the legislative committees in
32 (c) of this subsection. Within three months of receiving the list, the
33 K-12 data governance group shall develop and transmit to the education
34 data center a feasibility analysis of obtaining or improving the data,
35 including the steps required, estimated time frame, and the financial
36 and other resources that would be required. Based on the analysis,
37 the education data center shall submit, if necessary, a recommendation

1 to the legislature regarding any statutory changes or resources that
2 would be needed to collect or improve the data;

3 (e) Monitor and evaluate the education data collection systems of
4 the organizations and agencies represented in the education data center
5 ensuring that data systems are flexible, able to adapt to evolving
6 needs for information, and to the extent feasible and necessary,
7 include data that are needed to conduct the analyses and provide
8 answers to the research and policy questions identified in (a) of this
9 subsection;

10 (f) Track enrollment and outcomes through the public centralized
11 higher education enrollment system;

12 ~~((d))~~ (g) Assist other state educational agencies' collaborative
13 efforts to develop a long-range enrollment plan for higher education
14 including estimates to meet demographic and workforce needs; ~~((and~~

15 ~~(e))~~ (h) Provide research that focuses on student transitions
16 within and among the early learning, K-12, and higher education sectors
17 in the P-20 system; and

18 (i) Make recommendations to the legislature as necessary to help
19 ensure the goals and objectives of this section and sections 202 and
20 203 of this act are met.

21 (3) The department of early learning, superintendent of public
22 instruction, professional educator standards board, state board of
23 education, state board for community and technical colleges, workforce
24 training and education coordinating board, higher education
25 coordinating board, public four-year institutions of higher education,
26 and employment security department shall work with the education data
27 center to develop data-sharing and research agreements, consistent with
28 applicable security and confidentiality requirements, to facilitate the
29 work of the center. Private, nonprofit institutions of higher
30 education that provide programs of education beyond the high school
31 level leading at least to the baccalaureate degree and are accredited
32 by the Northwest association of schools and colleges or their peer
33 accreditation bodies may also develop data-sharing and research
34 agreements with the education data center, consistent with applicable
35 security and confidentiality requirements. The education data center
36 shall make data from collaborative analyses available to the education
37 agencies and institutions that contribute data to the education data

1 center to the extent allowed by federal and state security and
2 confidentiality requirements applicable to the data of each
3 contributing agency or institution.

4 NEW SECTION. **Sec. 202.** A new section is added to chapter 28A.655
5 RCW to read as follows:

6 (1) It is the legislature's intent to establish a comprehensive K-
7 12 education data improvement system for financial, student, and
8 educator data. The objective of the system is to monitor student
9 progress, have information on the quality of the educator workforce,
10 monitor and analyze the costs of programs, provide for financial
11 integrity and accountability, and have the capability to link across
12 these various data components by student, by class, by teacher, by
13 school, by district, and statewide. Education data systems must be
14 flexible and able to adapt to evolving needs for information, but there
15 must be an objective and orderly data governance process for
16 determining when changes are needed and how to implement them. It is
17 the further intent of the legislature to provide independent review and
18 evaluation of a comprehensive K-12 education data improvement system by
19 assigning the review and monitoring responsibilities to the education
20 data center and the legislative evaluation and accountability program
21 committee.

22 (2) It is the intent that the data system specifically service
23 reporting requirements for teachers, parents, superintendents, school
24 boards, the legislature, the office of the superintendent of public
25 instruction, and the public.

26 (3) It is the legislature's intent that the K-12 education data
27 improvement system used by school districts and the state include but
28 not be limited to the following information and functionality:

29 (a) Comprehensive educator information, including grade level and
30 courses taught, building or location, program, job assignment, years of
31 experience, the institution of higher education from which the educator
32 obtained his or her degree, compensation, class size, mobility of class
33 population, socioeconomic data of class, number of languages and which
34 languages are spoken by students, general resources available for
35 curriculum and other classroom needs, and number and type of
36 instructional support staff in the building;

1 (b) The capacity to link educator assignment information with
2 educator certification information such as certification number, type
3 of certification, route to certification, certification program, and
4 certification assessment or evaluation scores;

5 (c) Common coding of secondary courses and major areas of study at
6 the elementary level or standard coding of course content;

7 (d) Robust student information, including but not limited to
8 student characteristics, course and program enrollment, performance on
9 statewide and district summative and formative assessments to the
10 extent district assessments are used, and performance on college
11 readiness tests;

12 (e) A subset of student information elements to serve as a dropout
13 early warning system;

14 (f) The capacity to link educator information with student
15 information;

16 (g) A common, standardized structure for reporting the costs of
17 programs at the school and district level with a focus on the cost of
18 services delivered to students;

19 (h) Separate accounting of state, federal, and local revenues and
20 costs;

21 (i) Information linking state funding formulas to school district
22 budgeting and accounting, including procedures:

23 (i) To support the accuracy and auditing of financial data; and

24 (ii) Using the prototypical school model for school district
25 financial accounting reporting;

26 (j) The capacity to link program cost information with student
27 performance information to gauge the cost-effectiveness of programs;

28 (k) Information that is centrally accessible and updated regularly;
29 and

30 (l) An anonymous, nonidentifiable replicated copy of data that is
31 updated at least quarterly, and made available to the public by the
32 state.

33 (4) It is the legislature's goal that all school districts have the
34 capability to collect state-identified common data and export it in a
35 standard format to support a statewide K-12 education data improvement
36 system under this section.

37 (5) It is the legislature's intent that the K-12 education data

1 improvement system be developed to provide the capability to make
2 reports as required under section 203 of this act available.

3 (6) It is the legislature's intent that school districts collect
4 and report new data elements to satisfy the requirements of RCW
5 43.41.400, this section, and section 203 of this act, only to the
6 extent funds are available for this purpose.

7 NEW SECTION. **Sec. 203.** A new section is added to chapter 28A.300
8 RCW to read as follows:

9 (1) A K-12 data governance group shall be established within the
10 office of the superintendent of public instruction to assist in the
11 design and implementation of a K-12 education data improvement system
12 for financial, student, and educator data. It is the intent that the
13 data system reporting specifically serve requirements for teachers,
14 parents, superintendents, school boards, the office of the
15 superintendent of public instruction, the legislature, and the public.

16 (2) The K-12 data governance group shall include representatives of
17 the education data center, the office of the superintendent of public
18 instruction, the legislative evaluation and accountability program
19 committee, the professional educator standards board, the state board
20 of education, and school district staff, including information
21 technology staff. Additional entities with expertise in education data
22 may be included in the K-12 data governance group.

23 (3) The K-12 data governance group shall:

24 (a) Identify the critical research and policy questions that need
25 to be addressed by the K-12 education data improvement system;

26 (b) Identify reports and other information that should be made
27 available on the internet in addition to the reports identified in
28 subsection (5) of this section;

29 (c) Create a comprehensive needs requirement document detailing the
30 specific information and technical capacity needed by school districts
31 and the state to meet the legislature's expectations for a
32 comprehensive K-12 education data improvement system as described under
33 section 202 of this act;

34 (d) Conduct a gap analysis of current and planned information
35 compared to the needs requirement document, including an analysis of
36 the strengths and limitations of an education data system and programs
37 currently used by school districts and the state, and specifically the

1 gap analysis must look at the extent to which the existing data can be
2 transformed into canonical form and where existing software can be used
3 to meet the needs requirement document;

4 (e) Focus on financial and cost data necessary to support the new
5 K-12 financial models and funding formulas, including any necessary
6 changes to school district budgeting and accounting, and on assuring
7 the capacity to link data across financial, student, and educator
8 systems; and

9 (f) Define the operating rules and governance structure for K-12
10 data collections, ensuring that data systems are flexible and able to
11 adapt to evolving needs for information, within an objective and
12 orderly data governance process for determining when changes are needed
13 and how to implement them. Strong consideration must be made to the
14 current practice and cost of migration to new requirements. The
15 operating rules should delineate the coordination, delegation, and
16 escalation authority for data collection issues, business rules, and
17 performance goals for each K-12 data collection system, including:

18 (i) Defining and maintaining standards for privacy and
19 confidentiality;

20 (ii) Setting data collection priorities;

21 (iii) Defining and updating a standard data dictionary;

22 (iv) Ensuring data compliance with the data dictionary;

23 (v) Ensuring data accuracy; and

24 (vi) Establishing minimum standards for school, student, financial,
25 and teacher data systems. Data elements may be specified "to the
26 extent feasible" or "to the extent available" to collect more and
27 better data sets from districts with more flexible software. Nothing
28 in RCW 43.41.400, this section, or section 202 of this act should be
29 construed to require that a data dictionary or reporting should be
30 hobbled to the lowest common set. The work of the K-12 data
31 governance group must specify which data are desirable. Districts that
32 can meet these requirements shall report the desirable data. Funding
33 from the legislature must establish which subset data are absolutely
34 required.

35 (4)(a) The K-12 data governance group shall provide updates on its
36 work as requested by the education data center and the legislative
37 evaluation and accountability program committee.

1 (b) The work of the K-12 data governance group shall be
2 periodically reviewed and monitored by the educational data center and
3 the legislative evaluation and accountability program committee.

4 (5) To the extent data is available, the office of the
5 superintendent of public instruction shall make the following minimum
6 reports available on the internet. The reports must either be run on
7 demand against current data, or, if a static report, must have been run
8 against the most recent data:

9 (a) The percentage of data compliance and data accuracy by school
10 district;

11 (b) The magnitude of spending per student, by student estimated by
12 the following algorithm and reported as the detailed summation of the
13 following components:

14 (i) An approximate, prorated fraction of each teacher or human
15 resource element that directly serves the student. Each human resource
16 element must be listed or accessible through online tunneling in the
17 report;

18 (ii) An approximate, prorated fraction of classroom or building
19 costs used by the student;

20 (iii) An approximate, prorated fraction of transportation costs
21 used by the student; and

22 (iv) An approximate, prorated fraction of all other resources
23 within the district. District-wide components should be disaggregated
24 to the extent that it is sensible and economical;

25 (c) The cost of K-12 basic education, per student, by student, by
26 school district, estimated by the algorithm in (b) of this subsection,
27 and reported in the same manner as required in (b) of this subsection;

28 (d) The cost of K-12 special education services per student, by
29 student receiving those services, by school district, estimated by the
30 algorithm in (b) of this subsection, and reported in the same manner as
31 required in (b) of this subsection;

32 (e) Improvement on the statewide assessments computed as both a
33 percentage change and absolute change on a scale score metric by
34 district, by school, and by teacher that can also be filtered by a
35 student's length of full-time enrollment within the school district;

36 (f) Number of K-12 students per classroom teacher on a per teacher
37 basis;

1 (g) Number of K-12 classroom teachers per student on a per student
2 basis;

3 (h) Percentage of a classroom teacher per student on a per student
4 basis; and

5 (i) The cost of K-12 education per student by school district
6 sorted by federal, state, and local dollars.

7 (6) The superintendent of public instruction shall submit a
8 preliminary report to the legislature by November 15, 2009, including
9 the analyses by the K-12 data governance group under subsection (3) of
10 this section and preliminary options for addressing identified gaps.
11 A final report, including a proposed phase-in plan and preliminary cost
12 estimates for implementation of a comprehensive data improvement system
13 for financial, student, and educator data shall be submitted to the
14 legislature by September 1, 2010.

15 (7) All reports and data referenced in this section, RCW 43.41.400,
16 and section 202 of this act shall be made available in a manner
17 consistent with the technical requirements of the legislative
18 evaluation and accountability program committee and the education data
19 center so that selected data can be provided to the legislature,
20 governor, school districts, and the public.

21 (8) Reports shall contain data to the extent it is available. All
22 reports must include documentation of which data are not available or
23 are estimated. Reports must not be suppressed because of poor data
24 accuracy or completeness. Reports may be accompanied with
25 documentation to inform the reader of why some data are missing or
26 inaccurate or estimated.

27 NEW SECTION. **Sec. 204.** A new section is added to chapter 43.41
28 RCW to read as follows:

29 The education data center and the superintendent of public
30 instruction shall take all actions necessary to secure federal funds to
31 implement sections 201 through 203 of this act.

32 **PART III**

33 **OTHER EDUCATIONAL PROVISIONS**

34 NEW SECTION. **Sec. 301.** A new section is added to chapter 28A.500
35 RCW to read as follows:

1 (1) The legislature finds that while the state has the
2 responsibility to provide for a general and uniform system of public
3 schools, there is also a need for some diversity in the public school
4 system. A successful system of public education must permit some
5 variation among school districts outside the basic education provided
6 for by the state to respond to and reflect the unique desires of local
7 communities. The opportunity for local communities to invest in
8 enriched education programs promotes support for local public schools.
9 Further, the ability of local school districts to experiment with
10 enriched programs can inform the legislature's long-term evolution of
11 the definition of basic education. Therefore, local levy authority
12 remains an important component of the overall finance system in support
13 of the public schools even though it is outside the state's obligation
14 for basic education.

15 (2) However, the value of permitting local levies must be balanced
16 with the value of equity and fairness to students and to taxpayers,
17 neither of whom should be unduly disadvantaged due to differences in
18 the tax bases used to support local levies. Equity and fairness
19 require both an equitable basis for supplemental funding outside basic
20 education and a mechanism for property tax-poor school districts to
21 fairly access supplemental funding. As such, local effort assistance,
22 while also outside the state's obligation for basic education, is
23 another important component of school finance.

24 NEW SECTION. Sec. 302. (1) Beginning July 1, 2010, the office of
25 financial management, with assistance and support from the office of
26 the superintendent of public instruction, shall convene a technical
27 working group to develop options for a new system of supplemental
28 school funding through local school levies and local effort assistance.

29 (2) The working group shall consider the impact on overall school
30 district revenues of the new basic education funding system established
31 under this act and shall recommend a phase-in plan that ensures that no
32 school district suffers a decrease in funding from one school year to
33 the next due to implementation of the new system of supplemental
34 funding.

35 (3) The working group shall be composed of representatives from the
36 department of revenue, the legislative evaluation and accountability
37 program committee, school district and educational service district

1 financial managers, and representatives of the Washington association
2 of school business officers, the Washington education association, the
3 Washington association of school administrators, the association of
4 Washington school principals, the Washington state school directors'
5 association, the public school employees of Washington, and other
6 interested stakeholders with expertise in education finance. The
7 working group may convene advisory subgroups on specific topics as
8 necessary to assure participation and input from a broad array of
9 diverse stakeholders.

10 (4) The local funding working group shall be monitored and overseen
11 by the legislature and by the quality education council created in
12 section 114 of this act. The working group shall report to the
13 legislature December 1, 2011.

14 **Sec. 303.** RCW 28A.195.010 and 2004 c 19 s 106 are each amended to
15 read as follows:

16 The legislature hereby recognizes that private schools should be
17 subject only to those minimum state controls necessary to insure the
18 health and safety of all the students in the state and to insure a
19 sufficient basic education to meet usual graduation requirements. The
20 state, any agency or official thereof, shall not restrict or dictate
21 any specific educational or other programs for private schools except
22 as hereinafter in this section provided.

23 Principals of private schools or superintendents of private school
24 districts shall file each year with the state superintendent of public
25 instruction a statement certifying that the minimum requirements
26 hereinafter set forth are being met, noting any deviations. After
27 review of the statement, the state superintendent will notify schools
28 or school districts of those deviations which must be corrected. In
29 case of major deviations, the school or school district may request and
30 the state board of education may grant provisional status for one year
31 in order that the school or school district may take action to meet the
32 requirements. The state board of education shall not require private
33 school students to meet the student learning goals, obtain a
34 certificate of academic achievement, or a certificate of individual
35 achievement to graduate from high school, to master the essential
36 academic learning requirements, or to be assessed pursuant to RCW
37 28A.655.061. However, private schools may choose, on a voluntary

1 basis, to have their students master these essential academic learning
2 requirements, take the assessments, and obtain a certificate of
3 academic achievement or a certificate of individual achievement.
4 Minimum requirements shall be as follows:

5 (1) The minimum school year for instructional purposes shall
6 consist of no less than one hundred eighty school days or the
7 equivalent in annual minimum ~~((program))~~ instructional hour offerings
8 ~~((as prescribed in RCW 28A.150.220))~~, with a school-wide annual average
9 total instructional hour offering of one thousand hours for students
10 enrolled in grades one through twelve, and at least four hundred fifty
11 hours for students enrolled in kindergarten.

12 (2) The school day shall be the same as ~~((that required in RCW~~
13 ~~28A.150.030 and 28A.150.220, except that the percentages of total~~
14 ~~program hour offerings as prescribed in RCW 28A.150.220 for basic~~
15 ~~skills, work skills, and optional subjects and activities shall not~~
16 ~~apply to private schools or private sectarian schools))~~ defined in
17 section 102 of this act.

18 (3) All classroom teachers shall hold appropriate Washington state
19 certification except as follows:

20 (a) Teachers for religious courses or courses for which no
21 counterpart exists in public schools shall not be required to obtain a
22 state certificate to teach those courses.

23 (b) In exceptional cases, people of unusual competence but without
24 certification may teach students so long as a certified person
25 exercises general supervision. Annual written statements shall be
26 submitted to the office of the superintendent of public instruction
27 reporting and explaining such circumstances.

28 (4) An approved private school may operate an extension program for
29 parents, guardians, or persons having legal custody of a child to teach
30 children in their custody. The extension program shall require at a
31 minimum that:

32 (a) The parent, guardian, or custodian be under the supervision of
33 an employee of the approved private school who is certified under
34 chapter 28A.410 RCW;

35 (b) The planning by the certified person and the parent, guardian,
36 or person having legal custody include objectives consistent with this
37 subsection and subsections (1), (2), (5), (6), and (7) of this section;

1 (c) The certified person spend a minimum average each month of one
2 contact hour per week with each student under his or her supervision
3 who is enrolled in the approved private school extension program;

4 (d) Each student's progress be evaluated by the certified person;
5 and

6 (e) The certified employee shall not supervise more than thirty
7 students enrolled in the approved private school's extension program.

8 (5) Appropriate measures shall be taken to safeguard all permanent
9 records against loss or damage.

10 (6) The physical facilities of the school or district shall be
11 adequate to meet the program offered by the school or district:
12 PROVIDED, That each school building shall meet reasonable health and
13 fire safety requirements. A residential dwelling of the parent,
14 guardian, or custodian shall be deemed to be an adequate physical
15 facility when a parent, guardian, or person having legal custody is
16 instructing his or her child under subsection (4) of this section.

17 (7) Private school curriculum shall include instruction of the
18 basic skills of occupational education, science, mathematics, language,
19 social studies, history, health, reading, writing, spelling, and the
20 development of appreciation of art and music, all in sufficient units
21 for meeting state board of education graduation requirements.

22 (8) Each school or school district shall be required to maintain
23 up-to-date policy statements related to the administration and
24 operation of the school or school district.

25 All decisions of policy, philosophy, selection of books, teaching
26 material, curriculum, except as in subsection (7) of this section
27 provided, school rules and administration, or other matters not
28 specifically referred to in this section, shall be the responsibility
29 of the administration and administrators of the particular private
30 school involved.

31 **Sec. 304.** RCW 28A.160.150 and 1996 c 279 s 1 are each amended to
32 read as follows:

33 Funds allocated for transportation costs, except for funds provided
34 for transportation and transportation services to and from school shall
35 be in addition to the basic education allocation. The distribution
36 formula developed in RCW 28A.160.150 through 28A.160.180 shall be for
37 allocation purposes only and shall not be construed as mandating

1 specific levels of pupil transportation services by local districts.
2 Operating costs as determined under RCW 28A.160.150 through 28A.160.180
3 shall be funded at one hundred percent or as close thereto as
4 reasonably possible for transportation of an eligible student to and
5 from school as defined in RCW 28A.160.160(3). In addition, funding
6 shall be provided for transportation services for students living
7 within (~~(one-radius-mile-from-school)~~) the walk area as determined
8 under RCW (~~(28A.160.180(2))~~) 28A.160.160(5).

9 **Sec. 305.** RCW 28A.160.160 and 1996 c 279 s 2 are each amended to
10 read as follows:

11 For purposes of RCW 28A.160.150 through 28A.160.190, except where
12 the context shall clearly indicate otherwise, the following definitions
13 apply:

14 (1) "Eligible student" means any student served by the
15 transportation program of a school district or compensated for
16 individual transportation arrangements authorized by RCW 28A.160.030
17 whose route stop is (~~(more than one radius mile from the)~~) outside the
18 walk area for a student's school, except if the student to be
19 transported is disabled under RCW 28A.155.020 and is either not
20 ambulatory or not capable of protecting his or her own welfare while
21 traveling to or from the school or agency where special education
22 services are provided, in which case no mileage distance restriction
23 applies.

24 (2) "Superintendent" means the superintendent of public
25 instruction.

26 (3) "To and from school" means the transportation of students for
27 the following purposes:

28 (a) Transportation to and from route stops and schools;

29 (b) Transportation to and from schools pursuant to an interdistrict
30 agreement pursuant to RCW 28A.335.160;

31 (c) Transportation of students between schools and learning centers
32 for instruction specifically required by statute; and

33 (d) Transportation of students with disabilities to and from
34 schools and agencies for special education services.

35 Academic extended day transportation for the instructional program
36 of basic education under RCW 28A.150.220 shall (~~(not)~~) be considered
37 part of transportation of students "to and from school" for the

1 purposes of (~~chapter 61, Laws of 1983 1st ex. sess~~) this section.
2 Transportation for field trips may not be considered part of
3 transportation of students "to and from school" under this section.

4 (4) "Transportation services" for students living within (~~one~~
5 ~~radius mile from school means school transportation services including~~
6 ~~the use of buses,~~) the walk area includes the coordination of walk-to-
7 school programs, the funding of crossing guards, and matching funds for
8 local and state transportation projects intended to mitigate hazardous
9 walking conditions. Priority for transportation services shall be
10 given to students in grades kindergarten through five.

11 (5) As used in this section, "walk area" means that area around a
12 school with an adequate roadway configuration to provide students
13 access to school with a walking distance of less than one mile.
14 Mileage must be measured along the shortest roadway or maintained
15 public walkway where hazardous conditions do not exist. The hazardous
16 conditions must be documented by a process established in rule by the
17 superintendent of public instruction and must include roadway,
18 environmental, and social conditions. Each elementary school shall
19 identify walk routes within the walk area.

20 **Sec. 306.** RCW 28A.160.170 and 2007 c 139 s 1 are each amended to
21 read as follows:

22 Each district shall submit three times each year to the
23 superintendent of public instruction during October, February, and May
24 of each year a report containing the following:

25 (1)(a) The number of eligible students transported to and from
26 school as provided for in RCW 28A.160.150 (~~for the current school year~~
27 ~~and the number of miles estimated to be driven for pupil transportation~~
28 ~~services)), along with ((a — map — describing — student — route))~~
29 identification of stop locations and school locations, and (b) the
30 number of miles driven for pupil transportation services as authorized
31 in RCW 28A.160.150 the previous school year; and

32 (2) Other operational data and descriptions as required by the
33 superintendent to determine allocation requirements for each district.
34 The superintendent shall require that districts separate the costs of
35 operating the program for the transportation of eligible students to
36 and from school as defined by RCW 28A.160.160(3) from non-to-and-from-
37 school pupil transportation costs in the annual financial statement.

1 The cost, quantity, and type of all fuel purchased by school districts
2 for use in to-and-from-school transportation shall be included in the
3 annual financial statement.

4 Each district shall submit the information required in this section
5 on a timely basis as a condition of the continuing receipt of school
6 transportation moneys.

7 **Sec. 307.** RCW 28A.160.180 and 1996 c 279 s 3 are each amended to
8 read as follows:

9 Each district's annual student transportation allocation shall be
10 ~~((based on differential rates))~~ determined by the superintendent of
11 public instruction in the following manner:

12 (1) The superintendent shall annually calculate ~~((a standard~~
13 ~~student-mile-allocation-rate-for-determining))~~ the transportation
14 allocation for those services provided for in RCW 28A.160.150.
15 ~~(("Standard student-mile-allocation-rate," as used in this chapter,~~
16 ~~means the per-mile-allocation-rate-for-transporting-an-eligible~~
17 ~~student.))~~ The ~~((standard student-mile))~~ allocation ~~((rate))~~ formula
18 may be adjusted to include such additional differential factors as
19 ~~((distance, — restricted))~~ basic and special passenger ~~((load,~~
20 ~~circumstances that require use of special types of transportation~~
21 ~~vehicles; student with disabilities load; and small fleet maintenance))~~
22 counts as defined by the superintendent of public instruction, average
23 distance to school, and number of locations served.

24 (2) ~~((For transportation services for students living within one~~
25 ~~radius-mile-from-school,))~~ The allocation shall be based on a
26 regression analysis of the number of basic and special students ~~((in~~
27 ~~grades kindergarten through five living within one radius-mile-as~~
28 ~~specified in the biennial appropriations act))~~ transported and as many
29 other site characteristics that are identified as being statistically
30 significant.

31 (3) ~~((The superintendent of public instruction shall annually~~
32 ~~calculate allocation rate(s), which shall include vehicle amortization,~~
33 ~~for determining))~~ The transportation allocation for transporting
34 students in district-owned passenger cars, as defined in RCW 46.04.382,
35 pursuant to RCW 28A.160.010 for services provided for in RCW
36 28A.160.150 if a school district deems it advisable to use such
37 vehicles after the school district board of directors has considered

1 the safety of the students being transported as well as the economy of
2 utilizing a district-owned passenger car in lieu of a school bus is the
3 private vehicle reimbursement rate in effect on September 1st of each
4 school year. Students transported in district-owned passenger cars
5 must be included in the corresponding basic or special passenger
6 counts.

7 (4) Prior to June 1st of each year the superintendent shall submit
8 to the office of financial management, and the education and fiscal
9 committees (~~(on education and ways and means of the senate and house of~~
10 ~~representatives))~~ of the legislature, a report outlining the
11 methodology and rationale used in determining the statistical
12 coefficients for each site characteristic used to determine the
13 allocation (~~(rates to be used))~~ for the following year.

14 **Sec. 308.** RCW 28A.160.190 and 1990 c 33 s 145 are each amended to
15 read as follows:

16 The superintendent shall notify districts of their^o student
17 transportation allocation before January 15th. (~~((If the number of~~
18 ~~eligible students in a school district changes ten percent or more from~~
19 ~~the October report, and the change is maintained for a period of twenty~~
20 ~~consecutive school days or more, the district may submit revised~~
21 ~~eligible student data to the superintendent of public instruction.))~~
22 The superintendent shall(~~(, to the extent funds are available,)~~)
23 recalculate and prorate the district's allocation for the
24 transportation of pupils to and from school.

25 The superintendent shall make the student transportation allocation
26 in accordance with the apportionment payment schedule in RCW
27 28A.510.250. Such allocation payments may be based on (~~(estimated~~
28 ~~amounts))~~ the prior school year's ridership report for payments to be
29 made in September, October, November, December, and January.

30 **NEW SECTION.** **Sec. 309.** A new section is added to chapter 28A.160
31 RCW to read as follows:

32 The superintendent of public instruction shall ensure that the
33 allocation formula results in adequate appropriation for low enrollment
34 districts, nonhigh districts, districts involved in cooperative
35 transportation agreements, and cooperative special transportation

1 services operated by educational service districts. If necessary, the
2 superintendent shall develop a separate process to adjust the
3 allocation of the districts.

4 NEW SECTION. Sec. 310. A new section is added to chapter 28A.160
5 RCW to read as follows:

6 (1) The superintendent of public instruction shall encourage
7 efficient use of state resources by providing a linear programming
8 process that compares school district transportation operations. If a
9 school district's operation is calculated to be less than ninety
10 percent efficient, the regional transportation coordinators shall
11 provide an individual review to determine what measures are available
12 to the school district to improve efficiency. The evaluation shall
13 include such measures as:

14 (a) Efficient routing of buses;

15 (b) Efficient use of vehicle capacity; and

16 (c) Reasonable controls on compensation costs.

17 (2) The superintendent shall submit to the fiscal and education
18 committees of the legislature no later than December 1st of each year
19 a report summarizing the efficiency reviews and the resulting changes
20 implemented by school districts in response to the recommendations of
21 the regional transportation coordinators.

22 NEW SECTION. Sec. 311. A new section is added to chapter 28A.160
23 RCW to read as follows:

24 (1) The superintendent of public instruction shall phase-in the
25 implementation of the distribution formula under this chapter for
26 allocating state funds to school districts for the transportation of
27 students to and from school. The phase-in shall be according to the
28 implementation schedule adopted by the legislature and shall begin no
29 later than the 2013-14 school year.

30 (a) The formula must be developed and revised on an ongoing basis
31 using the major cost factors in student transportation, including basic
32 and special student loads, school district land area, average distance
33 to school, roadway miles, and number of locations served. Factors must
34 include all those site characteristics that are statistically
35 significant after analysis of the data required by the revised
36 reporting process.

1 (b) The formula must allocate funds to school districts based on
2 the average predicted costs of transporting students to and from
3 school, using a regression analysis.

4 (2) During the phase-in period, funding provided to school
5 districts for student transportation operations shall be distributed on
6 the following basis:

7 (a) Annually, each school district shall receive the lesser of the
8 previous school year's pupil transportation operations allocation, or
9 the total of allowable pupil transportation expenditures identified on
10 the previous school year's final expenditure report to the state plus
11 district indirect expenses using the state recovery rate identified by
12 the superintendent; and

13 (b) Annually, any funds appropriated by the legislature in excess
14 of the maintenance level funding amount for student transportation
15 shall be distributed among school districts on a prorated basis using
16 the difference between the amount identified in (a) of this subsection
17 and the amount determined under the formula in RCW 28A.160.180.

18 (3) The superintendent shall develop, implement, and provide a copy
19 of the rules specifying the student transportation reporting
20 requirements to the legislature and school districts no later than
21 December 1, 2009.

22 (4) Beginning in December 2009, and continuing until December 2014,
23 the superintendent shall provide quarterly updates and progress reports
24 to the fiscal committees of the legislature on the implementation and
25 testing of the distribution formula.

26 PART IV

27 CERTIFICATION AND PROFESSIONAL DEVELOPMENT

28 NEW SECTION. **Sec. 401.** The legislature recognizes that the key to
29 providing all students the opportunity to achieve the basic education
30 goal is effective teaching and leadership. Teachers, principals, and
31 administrators must be provided with access to the opportunities they
32 need to gain the knowledge and skills that will enable them to be
33 increasingly successful in their classroom and schools. A system that
34 clearly defines, supports, measures, and recognizes effective teaching
35 and leadership is one of the most important investments to be made.

1 NEW SECTION. **Sec. 402.** A new section is added to chapter 28A.410

2 RCW to read as follows:

3 (1)(a) By January 1, 2010, the professional educator standards
4 board shall adopt a set of articulated teacher knowledge, skill, and
5 performance standards for effective teaching that are evidence-based,
6 measurable, meaningful, and documented in high quality research as
7 being associated with improved student learning. The standards shall
8 be calibrated for each level of certification and along the entire
9 career continuum. In developing the standards, the board shall, to the
10 extent possible, incorporate standards for cultural competency along
11 the entire continuum. For the purposes of this subsection, "cultural
12 competency" includes knowledge of student cultural histories and
13 contexts, as well as family norms and values in different cultures;
14 knowledge and skills in accessing community resources and community and
15 parent outreach; and skills in adapting instruction to students'
16 experiences and identifying cultural contexts for individual students.

17 (b) By January 1, 2010, the professional educator standards board
18 shall adopt a definition of master teacher, with a comparable level of
19 increased competency between professional certification level and
20 master level as between professional certification level and national
21 board certification. Within the definition established by the
22 professional educator standards board, teachers certified through the
23 national board for professional teaching standards shall be considered
24 master teachers.

25 (2) By January 1, 2010, the professional educator standards board
26 shall submit to the governor and the education and fiscal committees of
27 the legislature:

28 (a) An update on the status of implementation of the professional
29 certificate external and uniform assessment authorized in RCW
30 28A.410.210;

31 (b) A proposal for a uniform, statewide, valid, and reliable
32 classroom-based means of evaluating teacher effectiveness as a
33 culminating measure at the preservice level that is to be used during
34 the student-teaching field experience. This assessment shall include
35 multiple measures of teacher performance in classrooms, evidence of
36 positive impact on student learning, and shall include review of
37 artifacts, such as use of a variety of assessment and instructional
38 strategies, and student work. The proposal shall establish a timeline

1 for when the assessment will be required for successful completion of
2 a Washington state-approved teacher preparation program. The timeline
3 shall take into account the capacity of the K-12 education and higher
4 education systems to accommodate the new assessment. The proposal and
5 timeline shall also address how the assessment will be included in
6 state-reported data on preparation program quality; and

7 (c) A recommendation on the length of time that a residency
8 certificate issued to a teacher is valid and within what time period a
9 teacher must meet the minimum level of performance for and receive a
10 professional certificate in order to continue being certified as a
11 teacher. In developing this recommendation, the professional educator
12 standards board shall consult with interested stakeholders including
13 the Washington education association, the Washington association of
14 school administrators, association of Washington school principals, and
15 the Washington state school directors' association and shall include
16 with its recommendation a description of each stakeholder's comments on
17 the recommendation.

18 (3) The update and proposal in subsection (2)(a) and (b) of this
19 section shall include, at a minimum, descriptions of:

20 (a) Estimated costs and statutory authority needed for further
21 development and implementation of these assessments;

22 (b) A common and standardized rubric for determining whether a
23 teacher meets the minimum level of performance of the assessments; and

24 (c) Administration and management of the assessments.

25 (4) To the extent that funds are appropriated for this purpose and
26 in accordance with the timeline established in subsection (2) of this
27 section, recognizing the capacity limitations of the education systems,
28 the professional educator standards board shall develop the system and
29 process as established in subsections (1), (2), and (3) of this section
30 throughout the remainder of the 2010-11 and 2011-12 school years.

31 (5) Beginning no earlier than September 1, 2011, award of a
32 professional certificate shall be based on a minimum of two years of
33 successful teaching experience as defined by the board and on the
34 results of the evaluation authorized under RCW 28A.410.210(14) and
35 under this section, and may not require candidates to enroll in a
36 professional certification program.

37 (6) Beginning July 1, 2011, educator preparation programs approved
38 to offer the residency teaching certificate shall be required to

1 demonstrate how the program produces effective teachers as evidenced by
2 the measures established under this section and other criteria
3 established by the professional educator standards board.

4 **Sec. 403.** RCW 28A.415.360 and 2007 c 402 s 9 are each amended to
5 read as follows:

6 (1) Subject to funds appropriated for this purpose, targeted
7 professional development programs, to be known as learning improvement
8 days, are authorized to further the development of outstanding
9 mathematics, science, and reading teaching and learning opportunities
10 in the state of Washington. The intent of this section is to provide
11 guidance for the learning improvement days in the omnibus
12 appropriations act. The learning improvement days authorized in this
13 section shall not be considered part of the definition of basic
14 education.

15 (2) ~~((The expected outcomes of these programs are))~~ A school
16 district is eligible to receive funding for learning improvement days
17 that are limited to specific activities related to student learning
18 that contribute to the following outcomes:

19 (a) Provision of meaningful, targeted professional development for
20 all teachers in mathematics, science, or reading;

21 (b) Increased knowledge and instructional skill for mathematics,
22 science, or reading teachers;

23 (c) Increased use of curriculum materials with supporting
24 diagnostic and supplemental materials that align with state standards;

25 (d) Skillful guidance for students participating in alternative
26 assessment activities;

27 (e) Increased rigor of course offerings especially in mathematics,
28 science, and reading;

29 (f) Increased student opportunities for focused, applied
30 mathematics and science classes;

31 (g) Increased student success on state achievement measures; and

32 (h) Increased student appreciation of the value and uses of
33 mathematics, science, and reading knowledge and exploration of related
34 careers.

35 (3) School districts receiving resources under this section shall
36 submit reports to the superintendent of public instruction ~~((regarding~~
37 ~~the use of the funds;))~~ documenting how the use of the funds ~~((is~~

1 ~~associated with~~) contributes to measurable improvement in the
2 ((~~expected~~)) outcomes described under subsection (2) of this section;
3 and how other professional development resources and programs
4 authorized in statute or in the omnibus appropriations act contribute
5 to the expected outcomes. The superintendent of public instruction and
6 the office of financial management shall collaborate on required report
7 content and format.

8 **PART V**

9 **SHARED ACCOUNTABILITY FOR SCHOOL AND DISTRICT IMPROVEMENT**

10 NEW SECTION. **Sec. 501.** (1)(a) The legislature intends to develop
11 a system in which the state and school districts share accountability
12 for achieving state educational standards and supporting continuous
13 school improvement. The legislature recognizes that comprehensive
14 education finance reform and the increased investment of public
15 resources necessary to implement that reform must be accompanied by a
16 new mechanism for clearly defining the relationships and expectations
17 for the state, school districts, and schools. It is the legislature's
18 intent that this be accomplished through the development of a
19 proactive, collaborative accountability system that focuses on a school
20 improvement system that engages and serves the local school board,
21 parents, students, staff in the schools and districts, and the
22 community. The improvement system shall be based on progressive levels
23 of support, with a goal of continuous improvement in student
24 achievement and alignment with the federal system of accountability.

25 (b) The legislature further recognizes that it is the state's
26 responsibility to provide schools and districts with the tools and
27 resources necessary to improve student achievement. These tools
28 include the necessary accounting and data reporting systems, assessment
29 systems to monitor student achievement, and a system of general
30 support, targeted assistance, recognition, and, if necessary, state
31 intervention.

32 (2) The legislature has already charged the state board of
33 education to develop criteria to identify schools and districts that
34 are successful, in need of assistance, and those where students
35 persistently fail, as well as to identify a range of intervention
36 strategies and a performance incentive system. The legislature finds

1 that the state board of education should build on the work that the
2 board has already begun in these areas. As development of these
3 formulas, processes, and systems progresses, the legislature should
4 monitor the progress.

5 **Sec. 502.** RCW 28A.305.130 and 2008 c 27 s 1 are each amended to
6 read as follows:

7 The purpose of the state board of education is to provide advocacy
8 and strategic oversight of public education; implement a standards-
9 based accountability ((system)) framework that creates a unified system
10 of increasing levels of support for schools in order to improve student
11 academic achievement; provide leadership in the creation of a system
12 that personalizes education for each student and respects diverse
13 cultures, abilities, and learning styles; and promote achievement of
14 the goals of RCW 28A.150.210. In addition to any other powers and
15 duties as provided by law, the state board of education shall:

16 (1) Hold regularly scheduled meetings at such time and place within
17 the state as the board shall determine and may hold such special
18 meetings as may be deemed necessary for the transaction of public
19 business;

20 (2) Form committees as necessary to effectively and efficiently
21 conduct the work of the board;

22 (3) Seek advice from the public and interested parties regarding
23 the work of the board;

24 (4) For purposes of statewide accountability:

25 (a) Adopt and revise performance improvement goals in reading,
26 writing, science, and mathematics, by subject and grade level, once
27 assessments in these subjects are required statewide; academic and
28 technical skills, as appropriate, in secondary career and technical
29 education programs; and student attendance, as the board deems
30 appropriate to improve student learning. The goals shall be consistent
31 with student privacy protection provisions of RCW 28A.655.090(7) and
32 shall not conflict with requirements contained in Title I of the
33 federal elementary and secondary education act of 1965, or the
34 requirements of the Carl D. Perkins vocational education act of 1998,
35 each as amended. The goals may be established for all students,
36 economically disadvantaged students, limited English proficient
37 students, students with disabilities, and students from

1 disproportionately academically underachieving racial and ethnic
2 backgrounds. The board may establish school and school district goals
3 addressing high school graduation rates and dropout reduction goals for
4 students in grades seven through twelve. The board shall adopt the
5 goals by rule. However, before each goal is implemented, the board
6 shall present the goal to the education committees of the house of
7 representatives and the senate for the committees' review and comment
8 in a time frame that will permit the legislature to take statutory
9 action on the goal if such action is deemed warranted by the
10 legislature;

11 (b) Identify the scores students must achieve in order to meet the
12 standard on the Washington assessment of student learning and, for high
13 school students, to obtain a certificate of academic achievement. The
14 board shall also determine student scores that identify levels of
15 student performance below and beyond the standard. The board shall
16 consider the incorporation of the standard error of measurement into
17 the decision regarding the award of the certificates. The board shall
18 set such performance standards and levels in consultation with the
19 superintendent of public instruction and after consideration of any
20 recommendations that may be developed by any advisory committees that
21 may be established for this purpose. The initial performance standards
22 and any changes recommended by the board in the performance standards
23 for the tenth grade assessment shall be presented to the education
24 committees of the house of representatives and the senate by November
25 30th of the school year in which the changes will take place to permit
26 the legislature to take statutory action before the changes are
27 implemented if such action is deemed warranted by the legislature. The
28 legislature shall be advised of the initial performance standards and
29 any changes made to the elementary level performance standards and the
30 middle school level performance standards;

31 ~~((Adopt objective, systematic criteria to identify successful~~
32 ~~schools and school districts and recommend to the superintendent of~~
33 ~~public instruction schools and districts to be recognized for two types~~
34 ~~of accomplishments, student achievement and improvements in student~~
35 ~~achievement. Recognition for improvements in student achievement shall~~
36 ~~include consideration of one or more of the following accomplishments:~~

37 ~~(i) An increase in the percent of students meeting standards. The~~

1 ~~level of achievement required for recognition may be based on the~~
2 ~~achievement goals established by the legislature and by the board under~~
3 ~~(a) of this subsection;~~

4 ~~(ii) Positive progress on an improvement index that measures~~
5 ~~improvement in all levels of the assessment; and~~

6 ~~(iii) Improvements despite challenges such as high levels of~~
7 ~~mobility, poverty, English as a second language learners, and large~~
8 ~~numbers of students in special populations as measured by either the~~
9 ~~percent of students meeting the standard, or the improvement index.~~
10 ~~When determining the baseline year or years for recognizing individual~~
11 ~~schools, the board may use the assessment results from the initial~~
12 ~~years the assessments were administered, if doing so with individual~~
13 ~~schools would be appropriate;~~

14 ~~(d) Adopt objective, systematic criteria to identify schools and~~
15 ~~school districts in need of assistance and those in which significant~~
16 ~~numbers of students persistently fail to meet state standards. In its~~
17 ~~deliberations, the board shall consider the use of all statewide~~
18 ~~mandated criterion referenced and norm referenced standardized tests;~~

19 ~~(e) Identify schools and school districts in which state~~
20 ~~intervention measures will be needed and a range of appropriate~~
21 ~~intervention strategies after the legislature has authorized a set of~~
22 ~~intervention strategies. After the legislature has authorized a set of~~
23 ~~intervention strategies, at the request of the board, the~~
24 ~~superintendent shall intervene in the school or school district and~~
25 ~~take corrective actions. This chapter does not provide additional~~
26 ~~authority for the board or the superintendent of public instruction to~~
27 ~~intervene in a school or school district;~~

28 ~~(f) Identify performance incentive systems that have improved or~~
29 ~~have the potential to improve student achievement;~~

30 ~~(g)) Annually review the assessment reporting system to ensure~~
31 ~~fairness, accuracy, timeliness, and equity of opportunity, especially~~
32 ~~with regard to schools with special circumstances and unique~~
33 ~~populations of students, and a recommendation to the superintendent of~~
34 ~~public instruction of any improvements needed to the system; and~~

35 ~~((h)) (d) Include in the biennial report required under RCW~~
36 ~~28A.305.035, information on the progress that has been made in~~
37 ~~achieving goals adopted by the board;~~

1 (5) Accredited, subject to such accreditation standards and
2 procedures as may be established by the state board of education, all
3 private schools that apply for accreditation, and approve, subject to
4 the provisions of RCW 28A.195.010, private schools carrying out a
5 program for any or all of the grades kindergarten through twelve:
6 PROVIDED, That no private school may be approved that operates a
7 kindergarten program only: PROVIDED FURTHER, That no private schools
8 shall be placed upon the list of accredited schools so long as secret
9 societies are knowingly allowed to exist among its students by school
10 officials;

11 (6) Articulate with the institutions of higher education, workforce
12 representatives, and early learning policymakers and providers to
13 coordinate and unify the work of the public school system;

14 (7) Hire an executive director and an administrative assistant to
15 reside in the office of the superintendent of public instruction for
16 administrative purposes. Any other personnel of the board shall be
17 appointed as provided by RCW 28A.300.020. The board may delegate to
18 the executive director by resolution such duties as deemed necessary to
19 efficiently carry on the business of the board including, but not
20 limited to, the authority to employ necessary personnel and the
21 authority to enter into, amend, and terminate contracts on behalf of
22 the board. The executive director, administrative assistant, and all
23 but one of the other personnel of the board are exempt from civil
24 service, together with other staff as now or hereafter designated as
25 exempt in accordance with chapter 41.06 RCW; and

26 (8) Adopt a seal that shall be kept in the office of the
27 superintendent of public instruction.

28 NEW SECTION. Sec. 503. A new section is added to chapter 28A.305
29 RCW to read as follows:

30 (1) The state board of education shall continue to refine the
31 development of an accountability framework that creates a unified
32 system of support for challenged schools, that aligns with basic
33 education, increases the level of support based upon the magnitude of
34 need, and uses data for decisions.

35 (2) The state board of education shall develop an accountability
36 index to identify schools and districts for recognition and for
37 additional state support. The index shall be based on criteria that

1 are fair, consistent, and transparent. Performance shall be measured
2 using multiple outcomes and indicators including, but not limited to,
3 graduation rates and results from statewide assessments. The index
4 shall be developed in such a way as to be easily understood by both
5 employees within the schools and districts, as well as parents and
6 community members. It is the legislature's intent that the index
7 provide feedback to schools and districts to self-assess their
8 progress, and enable the identification of schools with exemplary
9 student performance and those that need assistance to overcome
10 challenges in order to achieve exemplary student performance. Once the
11 accountability index has identified schools that need additional help,
12 a more thorough analysis will be done to analyze specific conditions in
13 the district including but not limited to the level of state resources
14 a school or school district receives in support of the basic education
15 system, achievement gaps for different groups of students, and
16 community support.

17 (3) Based on the accountability index and in consultation with the
18 superintendent of public instruction, the state board of education
19 shall develop a proposal and timeline for implementation of a
20 comprehensive system of voluntary support and assistance for schools
21 and districts. The timeline must take into account and accommodate
22 capacity limitations of the K-12 educational system. Changes that have
23 a fiscal impact on school districts, as identified by a fiscal analysis
24 prepared by the office of the superintendent of public instruction,
25 shall take effect only if formally authorized by the legislature
26 through the omnibus appropriations act or other enacted legislation.

27 (4)(a) The state board of education shall develop a proposal and
28 implementation timeline for a more formalized comprehensive system
29 improvement targeted to challenged schools and districts that have not
30 demonstrated sufficient improvement through the voluntary system. The
31 timeline must take into account and accommodate capacity limitations of
32 the K-12 educational system. The proposal and timeline shall be
33 submitted to the education committees of the legislature by December 1,
34 2009, and shall include recommended legislation and recommended
35 resources to implement the system according to the timeline developed.

36 (b) The proposal shall outline a process for addressing performance
37 challenges that will include the following features: (i) An academic
38 performance audit using peer review teams of educators that considers

1 school and community factors in addition to other factors in developing
2 recommended specific corrective actions that should be undertaken to
3 improve student learning; (ii) a requirement for the local school board
4 plan to develop and be responsible for implementation of corrective
5 action plan taking into account the audit findings, which plan must be
6 approved by the state board of education at which time the plan becomes
7 binding upon the school district to implement; and (iii) monitoring of
8 local district progress by the office of the superintendent of public
9 instruction. The proposal shall take effect only if formally
10 authorized by the legislature through the omnibus appropriations act or
11 other enacted legislation.

12 (5) In coordination with the superintendent of public instruction,
13 the state board of education shall seek approval from the United States
14 department of education for use of the accountability index and the
15 state system of support, assistance, and intervention, to replace the
16 federal accountability system under P.L. 107-110, the no child left
17 behind act of 2001.

18 (6) The state board of education shall work with the education data
19 center established within the office of financial management and the
20 technical working group established in section 112 of this act to
21 determine the feasibility of using the prototypical funding allocation
22 model as not only a tool for allocating resources to schools and
23 districts but also as a tool for schools and districts to report to the
24 state legislature and the state board of education on how the state
25 resources received are being used.

26 **PART VI** 27 **COMPENSATION**

28 NEW SECTION. **Sec. 601.** A new section is added to chapter 43.41
29 RCW to read as follows:

30 (1) The legislature recognizes that providing students with the
31 opportunity to access a world-class educational system depends on our
32 continuing ability to provide students with access to world-class
33 educators. The legislature also understands that continuing to attract
34 and retain the highest quality educators will require increased
35 investments. The legislature intends to enhance the current salary
36 allocation model and recognizes that changes to the current model

1 cannot be imposed without great deliberation and input from teachers,
2 administrators, and classified employees. Therefore, it is the intent
3 of the legislature to begin the process of developing an enhanced
4 salary allocation model that is collaboratively designed to ensure the
5 rationality of any conclusions regarding what constitutes adequate
6 compensation.

7 (2) Beginning July 1, 2011, the office of financial management
8 shall convene a technical working group to recommend the details of an
9 enhanced salary allocation model that aligns state expectations for
10 educator development and certification with the compensation system and
11 establishes recommendations for a concurrent implementation schedule.
12 In addition to any other details the technical working group deems
13 necessary, the technical working group shall make recommendations on
14 the following:

15 (a) How to reduce the number of tiers within the existing salary
16 allocation model;

17 (b) How to account for labor market adjustments;

18 (c) How to account for different geographic regions of the state
19 where districts may encounter difficulty recruiting and retaining
20 teachers;

21 (d) The role of and types of bonuses available;

22 (e) Ways to accomplish salary equalization over a set number of
23 years; and

24 (f) Initial fiscal estimates for implementing the recommendations
25 including a recognition that staff on the existing salary allocation
26 model would have the option to grandfather in permanently to the
27 existing schedule.

28 (3) As part of its work, the technical working group shall conduct
29 or contract for a preliminary comparative labor market analysis of
30 salaries and other compensation for school district employees to be
31 conducted and shall include the results in any reports to the
32 legislature. For the purposes of this subsection, "salaries and other
33 compensation" includes average base salaries, average total salaries,
34 average employee basic benefits, and retirement benefits.

35 (4) The analysis required under subsection (1) of this section
36 must:

37 (a) Examine salaries and other compensation for teachers, other

1 certificated instructional staff, principals, and other building-level
2 certificated administrators, and the types of classified employees for
3 whom salaries are allocated;

4 (b) Be calculated at a statewide level that identifies labor
5 markets in Washington through the use of data from the United States
6 bureau of the census and the bureau of labor statistics; and

7 (c) Include a comparison of salaries and other compensation to the
8 appropriate labor market for at least the following subgroups of
9 educators: Beginning teachers and types of educational staff
10 associates.

11 (5) The working group shall include representatives of the
12 department of personnel, the professional educator standards board, the
13 office of the superintendent of public instruction, the Washington
14 education association, the Washington association of school
15 administrators, the association of Washington school principals, the
16 Washington state school directors' association, the public school
17 employees of Washington, and other interested stakeholders with
18 appropriate expertise in compensation related matters. The working
19 group may convene advisory subgroups on specific topics as necessary to
20 assure participation and input from a broad array of diverse
21 stakeholders.

22 (6) The working group shall be monitored and overseen by the
23 legislature and the quality education council created in section 114 of
24 this act. The working group shall make an initial report to the
25 legislature by December 1, 2012, and shall include in its report
26 recommendations for whether additional further work of the group is
27 necessary.

28 PART VII

29 GENERAL PROVISIONS--PROGRAM OF BASIC EDUCATION

30 **Sec. 701.** RCW 28A.165.005 and 2004 c 20 s 1 are each amended to
31 read as follows:

32 (~~The learning assistance program requirements in~~) This chapter
33 (~~are~~) is designed to: (1) Promote the use of assessment data when
34 developing programs to assist underachieving students; and (2) guide
35 school districts in providing the most effective and efficient
36 practices when implementing (~~programs~~) supplemental instruction and

1 services to assist underachieving students. (~~((Further, this chapter~~
2 ~~provides the means by which a school district becomes eligible for~~
3 ~~learning assistance program funds and the distribution of those~~
4 ~~funds.))~~)

5 **Sec. 702.** RCW 28A.165.015 and 2004 c 20 s 2 are each amended to
6 read as follows:

7 Unless the context clearly indicates otherwise the definitions in
8 this section apply throughout this chapter.

9 (1) "Approved program" means a program submitted to and approved by
10 the office of the superintendent of public instruction and conducted
11 pursuant to the plan that addresses the required elements as provided
12 for in this chapter.

13 (2) "Basic skills areas" means reading, writing, and mathematics as
14 well as readiness associated with these skills.

15 (3) "Participating student" means a student in kindergarten through
16 grade (~~((eleven who scores below standard for his or her grade level on~~
17 ~~the statewide assessments and who is identified in the approved plan to~~
18 ~~receive services. Beginning with the 2007-2008 school year,~~
19 ~~"participating student" means a student in kindergarten through grade)~~)
20 twelve who scores below standard for his or her grade level on the
21 statewide assessments and who is identified in the approved plan to
22 receive services.

23 (4) "Statewide assessments" means one or more of the several basic
24 skills assessments administered as part of the state's student
25 assessment system, and assessments in the basic skills areas
26 administered by local school districts.

27 (5) "Underachieving students" means students with the greatest
28 academic deficits in basic skills as identified by the statewide
29 assessments.

30 **Sec. 703.** RCW 28A.165.055 and 2008 c 321 s 10 are each amended to
31 read as follows:

32 (~~((1))~~) Each school district with an approved program is eligible
33 for state funds provided for the learning assistance program. The
34 funds shall be appropriated for the learning assistance program in
35 accordance with RCW 28A.150.260 and the (~~((biennial))~~) omnibus
36 appropriations act. The distribution formula is for school district

1 allocation purposes only, but funds appropriated for the learning
2 assistance program must be expended for the purposes of RCW 28A.165.005
3 through 28A.165.065. (~~The distribution formula shall be based on one~~
4 ~~or more family income factors measuring economic need.~~

5 ~~(2) In addition to the funds allocated to eligible school districts~~
6 ~~on the basis of family income factors, enhanced funds shall be~~
7 ~~allocated for school districts where more than twenty percent of~~
8 ~~students are eligible for and enrolled in the transitional bilingual~~
9 ~~instruction program under chapter 28A.180 RCW as provided in this~~
10 ~~subsection. The enhanced funding provided in this subsection shall~~
11 ~~take effect beginning in the 2008-09 school year.~~

12 ~~(a) If, in the prior school year, a district's percent of October~~
13 ~~headcount student enrollment in grades kindergarten through twelve who~~
14 ~~are enrolled in the transitional bilingual instruction program, based~~
15 ~~on an average of the program headcount taken in October and May,~~
16 ~~exceeds twenty percent, twenty percent shall be subtracted from the~~
17 ~~district's percent transitional bilingual instruction program~~
18 ~~enrollment and the resulting percent shall be multiplied by the~~
19 ~~district's kindergarten through twelve annual average full time~~
20 ~~equivalent enrollment for the prior school year.~~

21 ~~(b) The number calculated under (a) of this subsection shall be the~~
22 ~~number of additional funded students for purposes of this subsection,~~
23 ~~to be multiplied by the per funded student allocation rates specified~~
24 ~~in the omnibus appropriations act.~~

25 ~~(c) School districts are only eligible for the enhanced funds under~~
26 ~~this subsection if their percentage of October headcount enrollment in~~
27 ~~grades kindergarten through twelve eligible for free or reduced price~~
28 ~~lunch exceeded forty percent in the prior school year.))~~

29 **Sec. 704.** RCW 28A.180.010 and 1990 c 33 s 163 are each amended to
30 read as follows:

31 RCW 28A.180.010 through 28A.180.080 shall be known and cited as
32 "the transitional bilingual instruction act." The legislature finds
33 that there are large numbers of children who come from homes where the
34 primary language is other than English. The legislature finds that a
35 transitional bilingual education program can meet the needs of these
36 children. Pursuant to the policy of this state to insure equal
37 educational opportunity to every child in this state, it is the purpose

1 of RCW 28A.180.010 through 28A.180.080 to provide for the
2 implementation of transitional bilingual education programs in the
3 public schools(~~(, and to provide supplemental financial assistance to~~
4 ~~school districts to meet the extra costs of these programs))~~).

5 **Sec. 705.** RCW 28A.180.080 and 1995 c 335 s 601 are each amended to
6 read as follows:

7 (~~(The superintendent of public instruction shall prepare and submit~~
8 ~~biennially to the governor and the legislature a budget request for~~
9 ~~bilingual — instruction — programs.))~~ Moneys appropriated by the
10 legislature for the purposes of RCW 28A.180.010 through 28A.180.080
11 shall be allocated by the superintendent of public instruction to
12 school districts for the sole purpose of operating an approved
13 bilingual instruction program(~~(, priorities for funding shall exist for~~
14 ~~the early elementary grades. No moneys shall be allocated pursuant to~~
15 ~~this section to fund more than three school years of bilingual~~
16 ~~instruction for each eligible pupil within a district: PROVIDED, That~~
17 ~~such moneys may be allocated to fund more than three school years of~~
18 ~~bilingual — instruction — for — any — pupil — who — fails — to — demonstrate~~
19 ~~improvement in English language skills adequate to remove impairment of~~
20 ~~learning when taught only in English. The superintendent of public~~
21 ~~instruction shall set standards and approve a test for the measurement~~
22 ~~of such English language skills))~~).

23 **Sec. 706.** RCW 28A.225.200 and 1990 c 33 s 234 are each amended to
24 read as follows:

25 (1) A local district may be authorized by the educational service
26 district superintendent to transport and educate its pupils in other
27 districts for one year, either by payment of a compensation agreed upon
28 by such school districts, or under other terms mutually satisfactory to
29 the districts concerned when this will afford better educational
30 facilities for the pupils and when a saving may be effected in the cost
31 of education(~~(, PROVIDED, That))~~). Notwithstanding any other provision
32 of law, the amount to be paid by the state to the resident school
33 district for apportionment purposes and otherwise payable pursuant to
34 RCW ((28A.150.100,)) 28A.150.250 through 28A.150.290, 28A.150.350
35 through 28A.150.410, 28A.160.150 through 28A.160.200, ((28A.160.220))
36 28A.300.035, and 28A.300.170((, and 28A.500.010)) shall not be greater

1 than the regular apportionment for each high school student of the
2 receiving district. Such authorization may be extended for an
3 additional year at the discretion of the educational service district
4 superintendent.

5 (2) Subsection (1) of this section shall not apply to districts
6 participating in a cooperative project established under RCW
7 28A.340.030 which exceeds two years in duration.

8 **Sec. 707.** RCW 28A.185.010 and 1984 c 278 s 12 are each amended to
9 read as follows:

10 Pursuant to rules (~~and regulations~~) adopted by the superintendent
11 of public instruction for the administration of this chapter, the
12 superintendent of public instruction shall carry out a program for
13 highly capable students. Such program may include conducting,
14 coordinating and aiding in research (including pilot programs),
15 disseminating information to local school districts, providing
16 statewide staff development, and allocating to school districts
17 supplementary funds for additional costs of district programs, as
18 provided by RCW (~~(28A.185.020)~~) 28A.150.260.

19 **Sec. 708.** RCW 28A.185.020 and 1990 c 33 s 168 are each amended to
20 read as follows:

21 (1) The legislature finds that, for highly capable students, access
22 to accelerated learning and enhanced instruction is access to a basic
23 education. There are multiple definitions of highly capable, from
24 intellectual to academic to artistic. The research literature strongly
25 supports using multiple criteria to identify highly capable students,
26 and therefore, the legislature does not intend to prescribe a single
27 method. Instead, the legislature intends to allocate funding based on
28 two and three hundred fourteen one-thousandths percent of each school
29 district's population and authorize school districts to identify
30 through the use of multiple, objective criteria those students most
31 highly capable and eligible to receive accelerated learning and
32 enhanced instruction in the program offered by the district. Access to
33 accelerated learning and enhanced instruction through the program for
34 highly capable students does not constitute an individual entitlement
35 for any particular student.

1 (2) ~~Supplementary funds ((as may be)) provided by the state for~~
2 ~~((this program, in accordance with RCW 28A.150.370,))~~ the program for
3 highly capable students under RCW 28A.150.260 shall be categorical
4 funding ~~((on an excess cost basis based upon a per student amount not~~
5 ~~to exceed three percent of any district's full-time equivalent~~
6 ~~enrollment))~~ to provide services to highly capable students as
7 determined by a school district under RCW 28A.185.030.

8 ***NEW SECTION.** Sec. 709. A new section is added to chapter 28A.185
9 RCW to read as follows:

10 To the extent necessary, funds shall be made available for safety
11 net awards for districts with demonstrated needs for funding for a
12 highly capable program beyond the amounts provided through the highly
13 capable funding formula under RCW 28A.150.260 and 28A.185.020. Safety
14 net funds shall be awarded by the state safety net oversight committee
15 subject to the conditions and limitations in subsections (1) through
16 (4) of this section.

17 (1) The committee shall consider additional funds for districts
18 that can convincingly demonstrate that all legitimate expenditures for
19 the highly capable program exceed all available revenues from state
20 funding formulas. In the determination of need, the committee shall
21 also consider additional available revenues from federal sources.
22 Differences in program costs attributable to district philosophy,
23 service delivery choice, or accounting practices are not a legitimate
24 basis for safety net awards. In the determination of need, the
25 committee shall require that districts demonstrate that they are
26 maximizing their eligibility for all state and federal revenues related
27 to services for students in the highly capable program.

28 (2) The superintendent of public instruction may adopt such rules
29 and procedures as are necessary to administer the safety net award
30 process for the highly capable program, including determining the
31 maximum allowable indirect cost for calculating safety net eligibility.

32 (3) The superintendent of public instruction shall provide
33 technical assistance to school districts in preparing and submitting
34 safety net applications for highly capable programs.

35 (4) The safety net committee for highly capable programs shall be
36 composed of at least the following members:

1 (a) One staff member from the office of the superintendent of
2 public instruction;

3 (b) Staff of the office of the state auditor, who shall be
4 nonvoting members of the committee; and

5 (c) One or more representatives from school districts or
6 educational service districts knowledgeable of highly capable programs
7 and funding.

*Sec. 709 was vetoed. See message at end of chapter.

8 NEW SECTION. Sec. 710. The following acts or parts of acts are
9 each repealed:

10 (1) RCW 28A.150.030 (School day) and 1971 ex.s. c 161 s 1 & 1969
11 ex.s. c 223 s 28A.01.010;

12 (2) RCW 28A.150.060 (Certificated employee) and 2005 c 497 s 212,
13 1990 c 33 s 102, 1977 ex.s. c 359 s 17, 1975 1st ex.s. c 288 s 21, &
14 1973 1st ex.s. c 105 s 1;

15 (3) RCW 28A.150.100 (Basic education certificated instructional
16 staff--Definition--Ratio to students) and 1990 c 33 s 103 & 1987 1st
17 ex.s. c 2 s 203;

18 (4) RCW 28A.150.040 (School year--Beginning--End) and 1990 c 33 s
19 101, 1982 c 158 s 5, 1977 ex.s. c 286 s 1, 1975-'76 2nd ex.s. c 118 s
20 22, & 1969 ex.s. c 223 s 28A.01.020;

21 (5) RCW 28A.150.370 (Additional programs for which legislative
22 appropriations must or may be made) and 1995 c 335 s 102, 1995 c 77 s
23 5, 1990 c 33 s 114, 1982 1st ex.s. c 24 s 1, & 1977 ex.s. c 359 s 7;
24 and

25 (6) RCW 28A.155.180 (Safety net funds--Application--Technical
26 assistance--Annual survey) and 2007 c 400 s 8.

27 PART VIII

28 MISCELLANEOUS PROVISIONS

29 NEW SECTION. Sec. 801. Part headings used in this act are not any
30 part of the law.

31 NEW SECTION. Sec. 802. Sections 1, 102, and 109 of this act are
32 each added to chapter 28A.150 RCW.

1 NEW SECTION. **Sec. 803.** Section 114 of this act constitutes a new
2 chapter in Title 28A RCW.

3 NEW SECTION. **Sec. 804.** Sections 101 through 110 and 701 through
4 710 of this act take effect September 1, 2011.

5 NEW SECTION. **Sec. 805.** Sections 304 through 311 of this act take
6 effect September 1, 2013.

7 NEW SECTION. **Sec. 806.** Section 112 of this act is necessary for
8 the immediate preservation of the public peace, health, or safety, or
9 support of the state government and its existing public institutions,
10 and takes effect immediately.

11 NEW SECTION. **Sec. 807.** If any provision of this act or its
12 application to any person or circumstance is held invalid, the
13 remainder of the act or the application of the provision to other
14 persons or circumstances is not affected.

Passed by the House April 20, 2009.

Passed by the Senate April 16, 2009.

Approved by the Governor May 19, 2009, with the exception of
certain items that were vetoed.

Filed in Office of Secretary of State May 20, 2009.

Note: Governor's explanation of partial veto is as follows:

"I have approved, except for Sections 115 and 709, Engrossed
Substitute House Bill 2261 entitled:

"AN ACT Relating to education."

In this legislation a number of programs and formulae are to be
developed to expand our state's definition of basic education.

Section 115 initiates the development of an early learning program for
at-risk three- and four-year olds. The bill indicates that this
program is to become part of the definition of basic education. If
early childhood education is to become part of our definition of basic
education it cannot be made available only to at-risk children. I am
deeply and personally committed to providing quality early learning
programs for all of our children and will continue to work to develop
an early learning program worthy of our earliest learners. I am asking
Superintendent of Public Instruction Randy Dorn and Department of
Early Learning Director Betty Hyde to work together to bring a
proposal forward that ensures all Washington children have the benefit
of early childhood education.

One of the several tasks in Engrossed Substitute House Bill 2261 is
the creation of funding formulas to support the program components of
a new definition of basic education and to develop a timeline for the
implementation of the funding formulas along with programmatic
changes. Section 709 requires the state to provide a safety net of
resources for students identified by school districts as meeting local

requirements for participation in a highly capable program, but for which the allocation does not provide enough support.

Section 709 is not necessary because Section 708 of the bill makes it clear that the highly capable program is not intended to be an entitlement to individual students. This section also has two troubling features: First, local school districts make the determination as to the qualifications for their highly capable programs and the types of programs offered, and by this language locally defined costs are forwarded to the state for payment without regard to other basic education program or other funding needs. Second, the state is required to provide a highly capable program safety net.

As the basic education definition evolves in this legislation, the timeline for implementation of various programs and formulae is left to the Quality Education Council. This specific provision makes the highly capable program the first task for funding, in essence prioritizing this program over all other aspects of basic education funding under consideration. Much work is left to be done to establish standards, guidelines and definitions for what constitutes a highly capable program and what the funding level should be for such a program.

For these reasons I am vetoing Sections 115 and 709 of Engrossed Substitute House Bill 2261.

With the exception of Sections 115 and 709, Engrossed Substitute House Bill 2261 is approved."